

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1352 of 2002

New Delhi, this the 27th day of January, 2003

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

(16)

Syed Mohammed Ali Mian Mauj
Dy. Director, External Services Division,
All India Radio,
New Delhi
R/o 963, B.K.S. Marg,
New Delhi-110 001.

-APPLICANT

(By Advocate: Shri S.Y. Khan)

Versus

Union of India through

1. Secretary,
Ministry of Information and Broadcasting,
Government of India,
Shastri Bhawan,
New Delhi-110 001.

2. Chief Executive Officer
Prasar Bharti
(Broadcasting Corporation of India)
PTI Building, Parliament Street,
New Delhi-110 001.

3. Director General
All India Radio,
Prasar Bharti,
Directorate General,
Akashvani Bhawan, Parliament Street,
New Delhi-110 001.

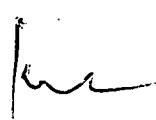
4. Motea Ahmed,
Director of External Services Division,
Broadcasting House,
Parliament Street,
New Delhi-110 001.

-RESPONDENTS

(By Advocate: Shri S.M. Arif)

O R D E R

The applicant has assailed an order of transfer Annexure A-1 dated 11.2.2002 vide which the applicant has been relieved of his duties in Delhi Office w.e.f. 11.2.2002 (After-Noon) and was directed to report at AIR, Kurukshetra. The order has been implemented and the applicant has also reported at his place of transfer.



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He came to the Tribunal after joining at Kurukshetra.

2. In the grounds to challenge the same the applicant has alleged that the applicant was working with Prasar Bharti and he has not opted for absorption in Prasar Bharti and continued to be an employee of Director General, All India Radio under the Ministry of Information and Broadcasting. Thus the applicant alleges that the order of transfer having been passed by Prasar Bharti, is not a proper order and has been passed by an incompetent authority. The applicant referred to certain judgments such as J.C. Bhatia Vs. U.O.I. & Others and a judgment of the Hon'ble High Court of Punjab and Haryana in the case of U.O.I Vs. Mrs. Tripati Devi, LDC, Doordarshan Kendra, Jallandhar and CAT, Chandigarh and submitted that Prasar Bharti has no competence to pass this order.

3. The respondents in their reply submitted that since different High Courts have taken a different view about the competence of Prasar Bharti to transfer an employee, so to harmoniously interpret the judgments given by the different High Courts and the Tribunal, a Full Bench was constituted where a specific question was framed (i) whether Government servants who were sent to Prasar Bharti Corporation on deputation or otherwise could be transferred by that corporation in terms of the provisions of the Act; or (ii) the Government employees even if working with the Prasar Bharti continued to be Government employees governed under the relevant rules

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and instructions issued by the Government of India. The Full Bench in its order dated 5.7.2001 answered the reference as follows:-

(i) Government servant who were sent to Prasar Bharti Corporation on deputation or otherwise can be transferred by the corporation in terms of the provisions of the Act.

4. Thus the Full Bench has already held that the employees of the Prasar Bharti whether on deputation or otherwise can be transferred under the Prasar Bharti Act. Thus the main ground taken by the applicant collapses. Though the applicant has taken various other pleas about family difficulties, but I find that those have no force. The applicant has a transfer liability and hence can be transferred any where.

5. In view of the above discussion, the OA has no merit and the same is dismissed. No costs.

Kuldeep Singh 2-1-2003
(KULDEEP SINGH)
MEMBER(JUDL)

/Rakesh