

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

18

O.A. No. 1974/99  
T.A. No.

DATE OF DECISION 01.06.2000

Sh. Yogendra Singh \_\_\_\_\_ Petitioner(s)

Sh. H.K. Gangwani \_\_\_\_\_ Advocate for the  
Petitioner(s)

Versus

U.O.I. & Ors. \_\_\_\_\_ Respondents

Sh. R.V. Sinha \_\_\_\_\_ Advocate for the  
Respondent(s)

CORAM:

Hon'ble Dr. A. Vedavalli, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

*bx*  
(Dr. A. Vedavalli)  
M(J)

Cases referred:

1. UOI & Ors. Vs. S.L. Abbass (1993(4) SCC 357)
2. Shilpi Bose & Ors. Vs. State of Bihar (AIR 1991 SC 532)
3. Gujarat Electricity Board & Anr. Vs. Atmaram Sungomal Poshani (1989(10)ATC 396)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-1974/99

(19)

New Delhi this the 1<sup>st</sup> day of June 2000.

Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Yogendra Singh,  
T.V. Assistant News Correspondent  
News Wing, Doordarshan Akashvani Bhawan,  
Parliament Street,  
New Delhi-1. .... Applicant

(through Sh. H.K. Gangwani, Advocate)

Versus

1. Union of India through  
the Secretary,  
M/o Information & Broadcasting,  
Shastri Bhavan,  
New Delhi.
2. The Director General  
Doordarshan  
Mandi House,  
New Delhi.
3. The CEO  
Prasar Bharati,  
Akashvani Bhavan,  
Parliament Street,  
New Delhi. .... Respondents

(through Sh. R.V. Sinha, Advocate)

ORDER

The applicant, Yogendra Singh, working as T.V. Assistant News Correspondent (TVANC for short) in the News Wing, Doordarshan, New Delhi is aggrieved by the impugned order dated 02.08.99 passed by the respondents (Annexure A-1) relieving him of his duties at New Delhi and directing him to report to the Doordarshan Kendra, Bhopal, at the earliest.

2. Heard the learned counsel for both the parties. Pleadings and relevant material papers



(20)

placed on record have been perused. Matter is being disposed of at the admission stage itself.

3. The applicant has sought the following reliefs:-

"(a) Allow the Original Application.

(b) Quash and set aside the impugned order dated 2.8.1999 at Annexure-A1 with this Original Application.

(c) To pass any other order as deemed fit and proper in the facts and circumstances of the case besides costs of this application."

4. Learned counsel for the applicant Shri H.K. Gangwani submitted that in the impugned order relieving him of his duties at New Delhi, it has been stated the said order is in pursuance of the Directorate's Office Order dated 30.07.99 and the said order was never served upon him. A copy of the said order was not even enclosed with the impugned relieving order at Annexure-A1. It was further submitted by him that in the above circumstances he was not aware of the reasons or the purpose behind the passing of the said impugned order and whether he was being sent on tour or temporary transfer or permanent transfer to Bhopal from Delhi. He contended that the impugned order was issued only to harass the applicant without any legal or valid reasons and with mala fide intention by the respondents. He prayed that for the

AB

(21)

aforesaid reasons and grounds, the O.A. may be allowed and the impugned relieving order may be quashed and set aside.

5. Learned counsel for the respondents Shri R.V. Sinha in reply submitted that the competent authority ordered shifting of one post of TVANC at Doordarshan, New Delhi, to Doordarshan Kendra, Bhopal, alongwith its incumbent in view of the exigencies of work as a matter of policy decision in ordinary course of functioning by letter dated 30.07.99 and accordingly the applicant was relieved on 02.08.99 by the impugned order. He stated that the post on which the applicant is working has an All India transfer liability and he could be transferred to any station outside Delhi also for administrative reasons and in public interest. The transfer order dated 30.07.99 and the relieving order dated 02.8.99 (impugned order) according to him are legal and valid and binding on the applicant. He contended that the applicant was evading service of the order. It was submitted by him that regarding the applicant's representation dated 10.08.99 against the impugned order, a reply was given to him by the respondents by their Memo dated 06.09.99 (Annexure R-1) wherein he was informed that he was relieved from Doordarshan News, New Delhi alongwith the post in accordance with the transfer order dated 30.07.99 on the concerned file. A copy of the said order was enclosed with the aforesaid memo and he was

✓

(22)

directed to report to Doordarshan Kendra Bhopal. However, the said memo sent by speed post letter was returned to respondents undelivered. Learned counsel for the respondents contended that the O.A. is devoid of any merit and prayed that the same may be dismissed with costs. In this connection, he relied strongly upon the judgements of Supreme Court in U.O.I. & Ors. Vs. S.L. Abbass (1993(1) SCC 357); Shilpi Bose & Ors. Vs. State of Bihar (AIR 1991 SC 532) and Gujarat Electricity Board & Anr. Vs. Atmaram Sungomai Poshani (1989(10) ATC 396).

6. I have considered the matter carefully. On a perusal of the impugned relieving order dated 02.08.99 (Annexure-A1) it is noticed that it was in pursuance of an order dated 30.07.99. While so, the said order dated 30.07.99 admittedly was never served upon the applicant either separately or alongwith the impugned relieving order. A copy of the said order dated 30.07.99 has not even been filed with the counter by the respondents. Only on a direction from this Tribunal during the hearing that a copy of the said order was submitted by the respondents. The said order is taken on record and a copy of the same was served by the respondents counsel on the applicant's counsel. It is seen from the said office order No.17/99 dated 30.07.99 that a post of TVANC of Doordarshan News Delhi is shifted to Doordarshan Kendra Bhopal alongwith its incumbent Sh. Yogendra Singh TVANC (present applicant) with immediate effect

Y

(23)

and until further orders. Whatever may be the reasons behind the shifting of the post alongwith the incumbent, the person who has been shifted or transferred alongwith the post has a right to be given a copy of the said order. While so, as already noted supra there is nothing on record to show that the said order was ever communicated to the applicant before issuing the impugned relieving order. The applicant was served with only the impugned order relieving him from his duties at New Delhi and the respondents have not even enclosed a copy of the aforesaid transfer/shifting order dated 30.07.99 with the said impugned order. It is shocking, to say the least, that a relieving order to be issued in such circumstances where a transferee is transferred particularly to an outside station. I find that the impugned order was issued by the respondents in a totally arbitrary and illegal manner and in violation of the basic principles of fairness, reasonableness and justice. Such an order obviously cannot be sustained under the law. In the circumstances, the said impugned order dated 02.08.99 (Annexure-A1) is quashed and set aside.

7. However, it is made clear that no order is passed against the transfer order dated 30.07.99 as the said order has neither been filed by the applicant

By

nor has he claimed any relief against that order in the present O.A.

8. The O.A. is disposed of accordingly in terms of Paras 6 & 7. No costs.

*A. Vedavalli*  
1/6/2000

(Dr. A. Vedavalli)  
Member(J)

/vv/