

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1607/2000
MA 1370/2002
MA 779/2003
MA 2560/2003

(A)

New Delhi this the 4th day of December, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.K.Naik, Member (A)

Ashok Kumar Vyas,
Son of late Shri Chander Shekhar,
R/O BD-15A, Shalimar Bagh,
Delhi.

..Applicant

(By Advocate Shri M.K.Bhardwaj)

VERSUS

Union of India, through,

1. Secretary to Govt. of India,
Ministry of Information and
Broadcasting, Shastri Bhavan,
New Delhi-110001.
2. Director General, Doordarshan,
Doordarshan Bhawan, Copernicus Marg,
New Delhi.
3. Chief Executive Officer,
Prashar Bharti, Doordarshan Bhawan,
Copernicus Marg, New Delhi.

..Respondents

(By Advocate Shri H.K.Gangwani)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

This OA has been filed by the applicant on 24.8.2000 in which he has impugned the transfer order dated 17.8.2000. By this order, respondent No.3 has stated that in accordance with the directions of the Director General (Doordarshan) by order dated 3.8.2000, the applicant alongwith another Floor Assistant (FA) stands relieved from their duties w.e.f. 21.8.2000 (AN), with instructions to report for duty to the Station Director, Doordarshan Kendra, Shimla.

18.

(A2)

2. By an ex-parte interim order dated 25. 8.2000 the aforesaid impugned order dated 17.8.2000 was stayed till the next date of hearing. Thereafter, the interim order has been continuing till date.

3. During the hearing of the case today, Shri M.K.Bhardwaj, learned counsel for the applicant submits that the applicant who is a group 'C' employee was not the only person transferred to Doordarshan Kendra, Shimla in August, 2000. According to him, six other similarly situated persons holding group 'C' posts were also transferred to Station Director, Shimla but all of them had been sent back to the earlier Doordarshan Kendras where they were working. In this connection, Shri M.K.Bhardwaj, learned counsel for the applicant submits that he has filed MA 2560/2003 on 2.12.2003, which is placed on record. In this MA, the applicant has stated that one Shri Charan Das, whose name is also mentioned in the impugned transfer order dated 17.8.2000, had made a representation against the transfer order which had been accepted/modified and finally he was called back to Doordarshan Kendra, Delhi. He has further made an averment in Para 5 of the MA that other persons who had been similarly transferred, like the applicant to Shimla, have also since been sent back to their respective stations from where they were initially transferred. It is relevant to note the submissions of the learned counsel for the applicant that apparently at the time when the applicant filed this present OA, he had not made any representation to the respondents which,

(AB)

therefore, is contrary to settled ~~policy~~^{law^{ys.} on transfer matters (See for example the judgement of the Hon'ble Supreme Court in **Union of India vs. S.L.Abbas** (1993(2)SLR 585). However, it is relevant to note that the aforesaid interim order has been continuing till date.}

4. In the facts and circumstances of the case, without going into the merit of the case, taking into consideration the settled law on the subject and also the additional averments made by the applicant in MA 2560/2003, we consider it appropriate to dispose of this OA with the following directions:-

(i) The applicant shall submit a self contained representation, annexing relevant documents he relies upon to respondent No.2, with copy to respondent No.3, within one week from the date of receipt of a copy of this order;

(ii) On receipt of the aforesaid representation from the applicant, respondents 2 and 3 shall pass a reasoned and speaking order in accordance with law, rules and instructions on the subject within two weeks thereafter, with intimation to the applicant;

(iii) In the peculiar facts and circumstances of the case as noted above, till the respondents pass the aforesaid order, the impugned transfer order dated 17.8.2000 shall not be given effect to;

(iv) We make it clear that the interim order dated 17.8.2000 shall not be extended beyond the above period.

No order as to costs.

S.K.Naik
(S.K.Naik)
Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

sk