

OA 507/2009
MT 722/2009 JZ ✓
/SB
531
Form No. 2
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Report on the Scrutiny of Application

Presented by: Sh. Yogesh Sharma Date of Presentation: 31-3-2009
Applicant(s): Graphic Artists Association Group: Group
Respondent(s): Ministry of Justice, Doordarshan, and others
Nature of grievance: Transfer (Violation of Art. 14 & 16)
No. of Applicants: 4 No. of Respondents: 2

CLASSIFICATION

Subject: Transfer (Policy) (No.) Department: Law & B (No. 10) * If S.B.

1. Is the application in the proper form? (three complete sets in paper book form in two compilations). Yes (PROFORMA/COMPILED)

2. Whether name, description and address of all the parties been furnished in the cause title? Yes (SIGNED/VERIFIED)

3. (a) Had the application been duly signed and verified? Yes
(b) Have the copies been duly signed? Yes
(c) Have sufficient number of copies of the application been filed? Yes

4. Whether all the necessary parties are impleaded? Yes

5. Whether English translation of documents in a language other than English or Hindi been filed? Yes

6. (a) Is the application in time? (See Section 21) Yes
(b) Is MA for condonation of delay filed? Yes

7. Has the Vakalatnama/Memo of appearance/00 authorisation been filed? Yes u/s 2, u/s 14, u/s 18

8. Is the application maintainable? (u/s 2, 14, 18 or U/R 6 etc.) Yes u/s 2, u/s 14, u/s 18
U/R 6, PT u/s, 25 file

9. Is the application accompanied by IPO/DD for Rs.50/-? Yes NOT Filed LEGIBLE/ATTESTED

10. Has the impugned orders original/duly attested legible copy been filed? Yes LEGIBLE/ATTESTED

11. Have legible copies of the annexure duly attested been filed? Yes LEGIBLE/ATTESTED

12. Has the index of documents been filed and
pagination done properly?

FILED/PAGINATION

13. Has the applicant exhausted all available
remedies? *Yes*

14. Have the declaration as required by item 7
of Form-I been made? *No*

15. Have required number of envelops (file size)
bearing full address of the respondents been
filed? *No*

16. (a) Whether the reliefs sought for, arise
out of single cause of action? *Yes*

(b) Whether any interim relief is prayed
for? *No*

17. In case an MA for condonation of delay is
filed, is it supported by an affidavit of
applicant? *No*

18. Whether this case can be heard by Single
Bench? *No*

19. Any other point?

20. Result of the scrutiny with initial of
the Scrutiny Clerk.

The application is in order and may be registered and listed before the Court for admission/orders on ;

~~(a) MA for joining - U/R 4(5)(a)/4(5)(b)~~
~~(b) MA U/R 6 of CAT Procedure Rules, 1987~~
~~(c) PT u/s 25 under AT ACT~~
~~(d) MA for condonation of Delay;~~

OR

The application has not been found in order in respect at item No(s)
mentioned below;

~~(a) Item Nos. 12, 15~~
~~(b) Application is not on prescribed size of paper.~~
~~(c) MA U/R 4(5)(a)/4(5)(b) has not been filed.~~
~~(d) Application/counsel has not signed each page
of the application/documents.~~
~~(e) MA U/R 6 has not been filed.~~

The application might be returned to the applicant for rectification of the
defects within 7 days.

SCRUTINY CLERK

SECTION OFFICER

JOINT REGISTRAR

COURT NO. _____ DATE _____

R/r, It is a Single Bench mainly for
by S.B. Other objection removed

31/3/2000

CJ

SINGLE BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

O.A.No..... 507 OF 2000

IN THE MATTER OF :

Graphic Artists Association (Doordarshan) & Others.....Applicant
Versus

Union of India & Others.Respondents

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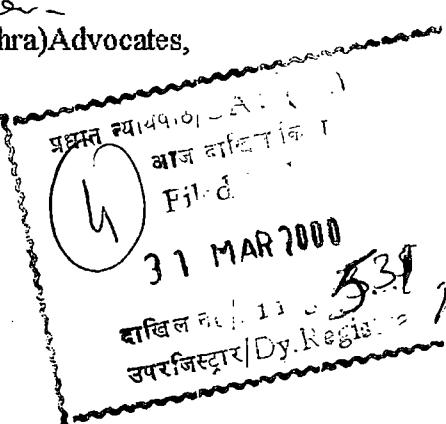
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Applicant.

through counsel:

Yogesh Sharma & Ajesh Luthra (A)

(Yogesh Sharma & Ajesh Luthra) Advocates,
RZ-693, Raj Nagar-I,
Palam colony, New Delhi-45
T.No.5084157.



Q/Sir, May kindly be listed on 3-4-2008

Yogesh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH NEW DELHI

O.A.NO.....OF 2000.

IN THE MATTER OF :

1. All India Graphic Artists Association(Doordarshan)
office: RZ 57/284 Gali No.1, Geetanjali Park,
West Sagarpur, New Delhi through its
President Sh. S.S.Chandel.
2. Miss Manju Bisht, Graphic Artist,
r/o J-159, Sarojni Nagar, New Delhi.
3. R.N.Das,Graphic Artist,
1-A, CPWD Housing Complex,
Vasant Vihar, New Delhi.
4. G.S.Takulia,Graphic Artist,
r/o 45, Doordarsan Enclave,
Jhalandar(Punjab).

.....Applicants.

Versus

1. Union of India through The Secretary,
Ministry of Information and Broadcasting ,
Govt. of India, New Delhi.
2. The Director(Administration),
Directorate General of Doordarsan,
Doordarsan Bhawan, copernicus Marg,
New Delhi.

.....Respondents.

DETAILS OF THE APPLICATION :

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1. Particulars of the order against which application is being made :

This application is being made against the order dated 21.3.2000(Annex A-1) passed by respondents No.2 by which the member of applicant No.1 Association and applicant No.2 to 3 have been ordered to be transfer from present office of Doordarsan Kendras to Relay centres , by way of pick and choose policy, which is illegal, unjust, arbitrary , against the rules and therefore the same is liable to be quashed on the grounds stated in para 5 of the OA.

2. Jurisdiction of the Tribunal:

That the applicant declares that the subject matter against which the application is being made is within the jurisdiction of the Tribunal.

3. Limitation :

That the applicant declares that the subject matter against which the application is being made is within the period of limitation.

4. Facts of the case :

The facts of the case are as under :

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(3)

4.1. That the Applicant No.1 Association is a registered Association under Societies Registration 1860 vide Refn.No.S-31423 of 1997 Under Govt. of NCT. It is submitted that its President or Secretary can file application/petition before competent court of law for the grievances which are so to the member of the Association.

4.2. That the applicant No.2 and 3 are working as Graphic Artist in Doordarsan Kendra Delhi and the applicant 4 is working as Graphic Artist in Doordarsan Kendras , Jallandar.

4.3. That it is relevant to submit here that all the Doordarsan Kendras in India have a common seniority list of their Graphic Artist for the purpose of seniority, promotion, pay , transfer and other benefits. It is submitted that the copy of seniority list is annexed here as Annex. A-2.

4.4. That it is relevant to submit here that the 19 post of Graphic Artist have been transferred from Doordarsan Kendras to Relay Kendras by which the 19 Graphic Artist became surplus from different Doordarsan Kendras.

4.5. That it is relevant to submit here that the nature of duties and functions of the Graphic Artist are totally different to the staff of Relay Kendras and there is no work of Graphic Artist in Relay Kendras as the functions of Relay Kendras are totally different and only technical staff are required in Relay Kendras.

4.6. That the respondent No.2 without considering the duties, functions of the

S/

Graphic Artist and without respecting the seniority list of the Graphic Artist declared 19 Artist surplus and pass an order of transferring 19 Graphic Artist from Doordarsan Kendras to Relay Kendras vide order dated 21.3.2000. (Annex.A/1) and relevant part of the order is as under:

"The following transfers are hereby ordered along with H.Q of posts as indicated against each officials in the public interest with immediate effect: :

4.7. That it is relevant to submit here that the new place of posting are only the Relay Centres where there is no work, functions of the Graphic Artist and all the stations only technical staff are required.

4.8. That it is relevant to submit here that there is no public interest is involved while transferring the graphic Artist in Relay Centres . It is also relevant to submit here that the respondents while transferring the Graphic Artist from Doordarsan Kendras not follow the principle of last come first go as it is well settled principle of law that juniors most persons should be declared surplus and transfer to other department and in present case without respecting the seniority of the persons the respondents passed the arbitrary order and the seniority position of the applicants and persons who have been ordered to transfer are as under :-

Seniority No. Name.

- 6. RN Das,
- 9. Sh. Gurcharan,
- 10. Sh. Goutam Bhomik.
- 11. Sh. Nirmalandu Banerjee.



12. Smt Archana Biswas,
13. Sh. L.G.Dalvi,
14. Smt. A Jyoti Navada,
15. Sh. P.Ch.Venkata Rao,
16. Sh. SN Vijay Gopal.
21. Sh. T.Thangaraju.
22. Smt. Sulbha V.Navghare,
23. Sh. JV Malvankar,
24. Sh. JR Upadhyay.
25. Sh. Bashir A.Pullo,
29. Sh.AV Ragguprasad,
30. Smt. Manju Bist.
81. Sh.Nitai Das,
83. Sh. Nagen Das,
89. Sh. Shambhu Nath Baruah.

4.9. That it is relevant to submit here that the respondents transfer 19 post of Graphic Artist from Doordarsan Kendra to Relay Kendras by which 19 Graphic Artist became surplus from the Doordarsan Kendras and therefore as per the Govt. of India Instructions and principle laid down by various courts of land that junior most persons should be declared surplus and transfer to other department as the action of the respondent is clearly covered in the definition Surplus staff and surplus employee as laid down by the Hon'ble Supreme court in the case of Union of India & Ors Versus Savitri & Others reported in 1998(2) SLR (SC)99 and same is reproduced here as under :-

"The expression 'Surplus' staff and surplus employee have been defined in Rule 2(g) thus:-

2(g) Surplus staff and Surplus employee of employees means the central civil servants (other than those employed on adhoc, casual work charged or contract basis) who:-

(a) are permanent, or, if temporary, have rendered not less than five years regular continuous service and

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(b) have been rendered surplus along with their posts from the Ministries, Department, offices of the Government of India, as a result of -

(i) administrative and financial reform, including inter-alia, restructuring or an organisation, zero base budgeting....."

4.10. That the whole action of the respondents passing the impunged order dt.21.3.2000 by which the member of the Association have been ordered to be transfer from the office of Doordarsan to Relay Kendras is illegal, unjust, arbitrary, against the rules and therefore the impunged order is liable to be quashed on the following grounds :

5. GROUNDs :

In view of the facts stated above the claim of the applicant is based on the following grounds:

a) Because, while transferring the applicant from the Doordarsan Kendras to Relay Kendras , the respondents not applied the principle of last come first go as the juniors persons to the applicants are still working in the office of the Doordarsan and as per law juniors most persons are required to be transferred along with the posts and therefore the whole action of the respondents is not only illegal but also violates Art. 14 and 16 of the constitution of India.

b) Because, the nature of duties and functions of Graphic Artist a different from the duties of the staff of Relay Kendras and Graphic Artist are only required in Doordarsan Kendras and in Relay Kendras only technical staff is required and therefore there is no justification to transfer the post of the Graphic Artist in the Relay Kendras.

c) Because, the respondents not given any justification in the impugned orders for transfer of post which is totally illegal in the light of law laid down by the Hon'ble Divisional Bench of the Tribunal in the case of Shivamal Nandi Vs UOI & Others reported in 1998(1)SLJ 371 and the relevant part of the judgement is as under:-

"7. In the present cases we find that Annexure. 1 order was issued without assinging any reasons that the post was required to be taken to calcutta by withdrawing from this region. Then taking away of this post to calcutta may give employment to some persons in calcutta but it will there by deny the legitimate due of the applicant or persons similarly situated. Even in the written statement the respondents have not explained the reasons why the post was withdrawn from this region not the counsel appearing on behalf of the respondent has submits before us that the office of the Deputy Director General, Geographical survey of India, Norther Eastern Regions is trying hard to get back the said post."



d) Because, after transferring the post, the respondents not followed the principle of 'last come first go' and applied the pick and choose policy as the senior persons to the applicants and juniors person to the applicants are still working in Doordarsan and they have not been transferred which is illegal in the light of law laid down by the Hon'ble Full Bench of AP Administrative Tribunal in the case of PV Nagender Rao Versus The state of Andra Pradesh ors reported in 1995(2) S LJ (CAT)530, and the relevant part of the same is as under:

"Where there is no need for the staff, it is always open to the authorities to reduce the staff. No expenditure can be incurred on the staff from public funds without work. At the same time disbandment of the staff should be worked out in accordance with the rules and not in arbitrary and discriminatory manner. When the employees recruited by transferred by direct recruitment stand on the same footings and they were apprised probationers in the respective categories of the Audit Education wing, the same principle, should be applied in re-arranging or reverting such employees on the principle of last come first go.....while disbanding the staff in the Audit Education wing, reversions or outings be effective in accordance with the rules on the principle of last come first go...."

e) Because, there is no work in Relay Kendras for the Graphic Artist and therefore the transfer of the applicants to the Relay Kendras is totally arbitrary and illegal..

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F. Because the applicants have been ordered to be transferred by Impugned Order out of their zone without any reasons and justification which is illegal as there is no provision of transfer of Group C employees from one zone to another and therefore the Impugned Order is illegal.

G. Because the graphic artists who have been ordered to be transferred in the Impugned Order were appointed for particular region on the basis of regional language but by the Impugned Order, the applicant have been ordered to be transferred to the station where language of the applicants is not known/different language to the transferred zone and therefore the Impugned Order is illegal and arbitrary.



(iii) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the action of the respondents transferring the applicants by pick and choose policy without any reasons is illegal, ~~violates Art 14 and 16~~ ^b of the constitution of India and therefore the impunged order dt.21.3.2000 is liable to be quashed.

(v) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant.

9. Interim relief if any prayed:

Pending final disposal of the main OA the applicants pray that the Hon'ble Tribunal may graciously be pleased to pass an order of staying the operation of the impunged order dt.21.3.2000 till the final disposal of the main OA. It is relevant to submit here that the Artist who are working in Chennai filed their OA before the Hon'ble CAT Chennai Bench and stay order has been granted by the Hon'ble Chennai Bench. And therefore the applicants also have a strong case and are entitled for prayed interim relief.

ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants.

10. Para No.10 is not applicable as the application is being made through a legal practitioner.



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11. Particulars of Postal order:

(i) No. of Postal order: 29064765
(ii) Date of issuing: 31/3/2000
(iii) P.O. from issuing: B.M. New Delhi
(iv) At which payable: New Delhi

12. List of Enclosures:

As per Index.

	Applicant
1.	SS Chandel
2.	Manju Bisht
3.	R. N. Das.
4	G.S.Takulia

Verification:

We, (i) SS Chandel, the President of the Applicant Association, (ii) Miss Manju Bisht, (iii) R.N. Das and (iv) G.S. Takulia working as Graphic Artists addresses as given in the memo of parties, do hereby verify that the contents of above paras No. 1 to 4 are true to the best of our knowledge and para No. 5 to 12 are to be relied on legal advice and that we have not suppressed any material facts.

New Delhi
Date: 31.3.2000

1.	SS Chandel
2.	Manju Bisht
3.	R. N. Das
4	G.S.Takulia

S

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PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
DIRECTORATE GENERAL: DOORDARSHAN
DOORDARSHAN BHAWAN, COPERNICUS MARG,
NEW DELHI.

No. 31 (6)/2000-SI (A)

Dated 21-03-2000.

OFFICE ORDER No. 14/2000/SI (A)

The following transfers are hereby ordered alongwith
H.Q. of posts as indicated against each officials in the public
interest with immediate effect:

Sr. No.	Name	Category	From	To
			(Present posting)	(New posting)
1	2	3	4	5
1.	S/Shri S.R. Shankar	Cameraman-I.	DDK-Dehradun	Dibrugarh.
2.	N.A. Wadekar	-do-	-do-	Sambalpur.
3.	A.K. Sidhpuri	-do-	-do-	Siliguri.
4.	R. Siddalingiah	-do-	-do-	Tura.
5.	K.T. Rajashekhar	-do-	DDK-Bangalore	Dibrugarh
6.	S. V. Kulkarni	-do-	-do-	Shawanipatna.
7.	Kamlesh Kumar	-do-	-do-	Muzaffarpur.
8.	Rajesh Bhatia	-do-	CPC, Delhi	Gwalior.
9.	G. Ashok Asir	-do-	-do-	Raipur.
10.	N. Shivaprakashan	-do-	DDK-Chennai	Jagdalpur
11.	V.K. Gupte	-do-	-do-	Mau.
12.	N. Chandersekhar	-do-	DDK-Delhi	Pune.
13.	C.L. Rao	-do-	-do-	Vijaywada
14.	P. Ganesh Rao	-do-	Hyderabad	Shantiniketan
15.	S.K. Bhattacharji	Cameraman-II	Panaji	Silchar
16.	Smt. Uma Devi	-do-	DDK-Guwahati	Bareilly.
17.	G. Suresh	-do-	DDK-Bangalore	Allahabad.
18.	Bhaskaran	-do-	-do-	Varanasi.
19.	D.D. Deshmukh	-do-	-do-	Indore.
20.	B. Narayan	-do-	DDK-Ahmedabad	Mau.
21.	Shivram J.	-do-	-do-	Sambalpur.
22.	Rajsekhar B.M.	-do-	Raipur	Daltonganj.
23.	Aziz-ul-Gaddeer	-do-	-do-	Bareilly.
24.	R. Elangoval	-do-	Pondicherry	Allahabad.
25.	C.A. Raghu Prasad	-do-	Lucknow	Varanasi.
26.	J.S. Kadway	-do-	Ahmedabad	Pune.
27.	I.C. Parikh	-do-	-do-	Gwalior.
28.	Praveen Kumar	-do-	Shibpur	Jagdalpur.
29.	B.V.A. Godwal	-do-	Hyderabad	Bhawanipatna.
30.	N.A.R. Shaik	-do-	-do-	Siliguri.
31.	S. Jaishankar	-do-	Shitong	Shantiniketan.
32.	Debashis Bhattacharyya	-do-	Port Blair	contd... 2/-

K. 61/2000-SI (A)

C
B

2
 34. G.H.Takulia
 34. Magen C.H.Das
 35. Miss. Manju Bisht
 36. R.N.Das
 37. Nitya Das
 38. T. Thanga Raju
 39. S.N.Vijay Gopal
 40. P.C.Venkat Rao
 41. A.V.Raghuprasad
 42. L.G.Dalvi
 43. Smt.Jyoti Nanda
 44. Smt.S.V.Naughere
 45. J.V.Mavlankar
 46. J.R.Upadhyay
 47. Sambhunath Barua
 48. B.A.Pullo
 49. Nirmalendu Banerju
 50. Gautam Bhownik
 51. Smt.Archana Biswas

3	Graphic Artist	DDK-Jalandhar	Allaha
4	-do-	Tura	Varanasi
5	-do-	Delhi	Gwalior
6	-do-	Delhi	Mau.
7	-do-	Agartala	Indore.
8	-do-	Chennai	Jagdalpuri
9	-do-	-do-	Bhawanipuri
10	-do-	-do-	Vijaywada
11	-do-	-do-	Portblair
12	-do-	-do-	Punjab
13	-do-	-do-	Rajkot.
14	-do-	-do-	Nagpur.
15	-do-	-do-	Bamilly
16	-do-	-do-	Daltaong
17	-do-	-do-	Silchar.
18	-do-	-do-	Jammu.
19	-do-	-do-	Sambalpur
20	-do-	-do-	Siliguri
21	-do-	-do-	Shantiniketan.

2. Kendra wise seniority will be protected wherever applicable. The above mentioned officials will be entitled for TA/DA as per rule.

3. Directors/ Heads of the Kendra are requested to relieve the above mentioned officials immediately with the instructions to join at the new station without delay.

4. This issues with the approval of the Competent Authority in consultation with the I.F.A.

K. Ganesan
 (K. GANESAN)
 Director (Admn.)
 Tel: 3389722

TO:

1. Director, All DDKs/PGFs./CPC.
 2. Persons concerned through their Kendras.
 3. Pay & Accounts Office, Doordarshan, Delhi, Mumbai,
 Lucknow, Calcutta, Chennai & Guwahati.
 4. Office Order Folder.
 5. Hindi Section.
 6. Spare copies- 5.

For Director General.

✓/C

CV
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DRAFT SENIORITY LIST OF GRAPHIC ARTISTS IN DOORDARSHAN

S.NO.	NAME	KENDRA	DATE OF BIRTH	DATE OF REGULAR APPOINTMENT	QUALIFICATIONS
1.	2.	3.	4.	5.	6.
✓ 1.	S/Sh. Bhagilal M. Patel	Ahmedabad	28.8.46	20.7.72	SSC, Dip. in Commercial Art.
✓ 2.	Madhukar Sharma	Delhi	11.4.47	16.11.72	M.A., B.A., National Diploma in Fine Arts, National Inter Exam in Applied Arts
✓ 3.	Mohd. Yusuf Mir	Srinagar	13.4.45	8.3.73	PUC
✓ 4.	Malik Altaf Ahmed	Srinagar	2.9.59	3.3.73	B.A.
✓ 5.	Avtar Singh Jamwal	Srinagar	20.12.39	9.3.73	Matric, Dip. in Art & Painting
6.	R.N. Das	Delhi	4.4.42	21.6.73	10th, National Diploma in Commercial Arts.
7.	M.P. Mahapatra	Bhubneswar	29.7.46	12.11.73	HSC, Dip. in Arts & Crafts, Passed I.I.T. Exam.
8.	M.K. Suribabu	Hyderabad	15.8.45	24.11.73	S.Com., Dip. in Cinematography
9.	Gurcharan Singh	Jalandhar	8.2.45	2.4.74	B.Sc., Dip. in Commercial Arts.
10.	Gautam Bhownik	Calcutta	10.3.51	7.10.74	B.Sc., Dip. in Commercial Arts., Degree in Music from Desa Bitan, Calcutta.
11.	Nirmalendu Banerjee	Calcutta	15.7.44	8.10.74	Pre-University, Passed Inter-grade Drawing Examination from Bombay.

1.	2.	3.	4.	5.	6.
12.✓	Smt. Archana Biswas	Calcutta	13.3.45	10.10.74	School final, Dip. in Drawing&Painting from Govt.Arts College,Calcutta
13.✓	Shri L.G.Balvi	Bombay	6.10.47	13.2.75	SSC, C.I. Arts.
14.✓	Smt. A.Jyothi Navada	Bombay	13.1.40	13.2.75	PUC, Dip. in Fine Arts.
15.✓	S/Sh. P.Ch. Venkata Rao	Madras	1.7.52	3.4.75	SSLC,Free handout live Model Drawing Higher & Passed, Diploma in Painting
16.✓	S.N.Vijay Gopal	Madras	20.6.42	5.4.75	SSLC
17.✓	Munser Alam	Gorakhpur	1.7.50	13.6.75	High School, Bachelors in Fine Arts.
18.✓	Zia-Ur-Rehman	Lucknow	5.1.47	16.6.75	Intermediate, Bachelors in Fine Arts.
19.✓	Debu Chatterjee	CPG, Delhi	1.9.50	16.6.75	Degree in Fine Arts.
20.✓	H.P.Tyagi	Delhi	15.11.49	18.12.75	High School/Intermediate in Applied Arts.
21.✓	T.Thangaraju	Madras	11.9.45	19.5.77	SSLC, Dip. in Fine Arts (Commercial)
22.✓	Smt. Sulabha V.Navghare	Bombay	28.8.48	12.12.77	SSC, GI Art(Comm)
23.✓	Shri. J.V.Malivanker	Bombay	11.5.47	27.12.77	SSC, GI Art(Comm)
24.✓	Shri. J.R.Upadhyay	Bombay	1.3.47	1.8.78	SSC, Dip. in Applied Art.

		3.	4.	5.	6.
22.✓	S/Sm. Bashir A. Pulloo	Srinagar	7.7.51	16.8.79	Hr. Sec.
23.✓	Bharat Bhushan (SC)✓	Jalandhar	20.4.55	20.5.81	Metric, Dip. in Drawing & Painting
24.	Taljit Singh	Jalandhar	5.3.56	9.6.81	B.Sc., Dip. in Drawing & Painting
25.	Resham Lal	Jalandhar	19.9.54	10.2.82	Metric, Dip. in Arts & Crafts.
26.✓	A.V. Raghu Prasad	Madras	14.1.43	1.3.82	SSLC, Dip. in Painting.
27.✓	Smt. Manju Bist	Delhi	20.5.58	26.3.82	Hr. Sec., Dip. in Commercial Arts.
28.	Sri. Rajinder Singh Garcha (SC)	Jalandhar	17.4.57	2.4.82	Metric, Dip. in Applied Arts.
29.	Sri. Ram Narain	Lucknow	15.8.50	12.4.82	Intermediate, Degree in Fine Arts.
30.	Smt. Sunita Rani	Delhi	3.12.51	15.4.82	High Sec., Dip. in Commercial Arts.
31.	S/Sm. C. Muthuswami	Madras	16.5.55	20.4.82	SSLC, Dip. in Fine Arts (Comm.).
32.✓	G. Vishwanathan (SC)	Madras	1.7.51	22.8.82	SSLC, Dip. in Fine Arts (Comm.).
33.	Saharied Ahmed Andrdri	Srinagar	17.3.55	11.10.82	Metric
34.	P. Suresh	Bangalore	1.6.59	19.12.83	SSLC, Dip. in Applied Art, FTII Certificate in Basic Television Production & Training.
35.	Tuljaram Bhute	Bangalore	16.5.54	5.1.84	SSLC, Dip. in Applied Arts.

1.	2.	3.	4.	5.	6.
39.	S/Sh. Pankaj Kumar Parmar (SC) Anmecabod	Trivandrum	12.11.55	16.5.84	Dip. in Applied Arts, Art Teacher's Diploma.
40.	K.S.Rajjith	Trivandrum	30.11.57	9.5.84	Passed BFA Degree Exam., National. Dio. in Applied Art (Govt. of Kerala).
41.	Parmod Kumar Tamuli	Guwahati	2.8.57	7.7.84	HSLC, Dip. in Fine Arts, Dip. in Applied Arts (Photography).
42.	Narendra Bahadur (SC)	Delhi	26.7.58	5.11.84	Intermediate, MFA.
43.	Smt. Meena Kumar Singh (SC)	Delhi	1.4.62	28.8.84	Central Board of Sec. Schools.
44.	Smt. Hemlata Shelkar Kandge	Bombay	25.10.53	19.4.85	SSC, GI Arts., KST.D.
45.	S/Sh. Rebindra Sharma	Guwahati	4.12.57	26.8.85	HSLC, Dip. in Arts from Govt. School of Art & Crafts.
46.	K.R.Walsan	Trivandrum	31.7.62	15.10.85	SSLC, BFA.
47.	Ganoodhar Acharya	Bhubneswar	22.10.54	17.10.85	Passed HSC Exam., Dip. in Commercial Arts.
48.	S.S.Ghoshal	Delhi	31.12.56	11.11.85	Matric, Dip. in Applied
49.	Farood A. Shore	Srinagar	8.6.52	25.2.87	B. Com. I.
50.	V. Vidya Sagar	Hyderabad	25.8.62	1.3.87	Intermediate, Dip. in Comm.
51.	S.Rajubhadrapuram	Trivandrum	29.5.55	31.3.87	SSLC, Bachelor of Fine Arts.
52.	S. Nageswar Babu	Hyderabad	6.9.64	13.4.87	SSC, Dip. in Fine Arts.

1.	2.	3.	4.	5.	6.
53.	S/ Sh. G.S. Gohel	Ahmedabad		12.11.87	
54.	R.P. Choudhury	Ranchi	19.11.57	25.11.87	Matric, Dip. in Drawing & Painting.
55.	V. Sundram	Madras	17.3.61	12.9.88	B.Sc., (Visual Communication Design).
56.	A. Karunakaran	Madras	17.5.61	3.9.88	SSLC, Post Dip. in Fine Arts.
57.	Subuddha Ghosh	Calcutta	10.6.62	4.1.89	Passed H.S., Dip. in Drawing & Painting.
58.	Malay Kr. Das	Calcutta	15.12.60	6.1.89	Passed Madhyamik, Dip. in Drawing & Painting
59.	Manas Biswas	Calcutta	19.1.61	20.4.89	Passed Madhyamik, Dip. in Commercial Arts.
60.	Ranjit Hira (SC)	Calcutta	12.8.52	14.6.89	B.Sc., Dip. in Visual Arts (Drawing & Painting)
61.	Km. Rama Sharma	CPC, Delhi	1.10.64	15.7.89	B.Sc., Dip. in Commercial Arts.
62.	Km. Asavari Chapekar	CPC, Delhi	28.10.65	15.7.89	Dip. in Commercial Arts.
63.	Km. Soma Banerjee	CFC, Delhi	6.4.66	15.7.89	Bachelor of Fine Arts.
64.	Shri S.C. Ray (SC)	CPC, Delhi	22.2.61	11.8.89	Bachelor of Visual Arts.
65.	Shri A. Elangovan (SC)	Madras	1.6.57	31.8.89	SSLC, Dip. in Commercial Arts.
66.	Smt. Jyoti Sahota	CPC, Delhi	4.9.65	11.9.89	Bachelors of Fine Arts.
67.	Shri R.K. Jadhav (SC)	Bombay	1.5.60	10.11.89	SSC, Dip. in Applied Arts.
68.	Shri Satish S. Sholapur	Bangalore	6.12.63	13.12.89	Dip. in Drawing & Painting.

1.	2.	3.	4.	5.	6.
69.	Shri T. Phukan	Guwahati	1.10.61	5.4.91	HSLC Exam., Dip. in Arts(Pnct)
70.	Shri Jibeswar Saik	PPD, Guwahati	1.1.64	9.1.91	HSLC, Dip. in Applied Arts.
71.	Sh. Tapan Kr. Das(SC)	—	1.1.64	24.5.91	HSLC, Dip. in Art.
72.	Sh. Ram Avtar Sharma	Daisur	15.7.63	15.10.92	—
73.	Km. Sumita Sarir	Dehri	21.6.61	30.11.92	XIith Passed
74.	Km. Gaitree Grover	Dehri	28.4.55	2.12.92	Hr. Secondary
75.	Shri Ram Avtar	Daisur	23.5.62	3.12.92	—
76.	Kum. Manisha	Dehri	12.6.62	8.12.92	XIith Pass
77.	Kum. Sushma Negi	Dehri	7.7.63	8.12.92	XIith Pass
78.	Shri Ram Singh	Dehri	19.9.57	14.1.93	B.A. M.A.
79.	Kum. Poonam Talwar	Dehri	17.6.62	19.1.93	B.A. M.A. in Painting & Drawing
80.	Sh. Brij Raj Singh	Daisur	2.2.63	7.8.93	Secondary
81.	✓ Shri Nitai Das(SC)	Asortela	14.3.67	13.8.93	Passed in Madhyamik Exam.
82.	Shri Nirmal Deb	Asortela	3.12.59	16.8.93	Passed in H.S. (+2) Stage Exam.
83.	✓ Shri Nagen Das(SC)	Tutc	1.5.63	22.9.93	H.S.L.C.
84.	Shri Ram Dulal Singh	Tutc	31.1.68	25.9.93	H.S.L.C.

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88.	Kum. Ritu Sharma	Delhi	18.5.66	7.10.93	XII th pass
89.	Shri Tushar Dey	Aizawl	12.8.70	28.1.94	H.S.L.C.
90.	Shri Lalnunmawia Hauhnar(ST)Aizawl		1.3.69	6.1.94	B.A.(Hons.)
91.	Shri Arif Hasan Naqvi	Raipur	30.7.69	19.11.93	B.A. in Fine Arts.
92. ✓	Shri Sambhu Nath Baruah	Dibrugarh	1.3.61	15.12.93	HSLC,Dip. in Graphic Arts.
93.	Shri Raju Boren	Dibrugarh	28.1.68	31.1.94	H.S.,Dip. in Fine Arts(BFA).
94.	Kum. Upasana Sarang	CDK,Bhopal	17.10.67	7.1.94(AN)	M.A.(Fine Arts).
95.	Shri Kapil Bhattacharya	Bhopal	06.03.69	10.1.94	B.A.(Fine Arts).
96.	Shri D.V. swami	Pondicherry	25.3.71	17.94	Matric,B.Sc.(Visual Communication Design).

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

DASTI

OA No. 323/2000

Parikhon House
Copernicus Marg.
NEW DELHI

Dated: 17-2-2000

Applicant(s) Shambhu Singh

UOI

Respondents

Represented by
Advocate Sh. Yogesh Sharma

Represented by
Advocate Sh.

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1. Union of India through the Secretary, Ministry of Information
and Broadcasting, Govt. of India, New Delhi.

2. The Director (Administration), Directorate General of Doordarshan,
Doordarshan Bhawan, Copernicus Marg, New Delhi-1.



FOR INTERIM RELIEF ON 2-3-2000

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunals Act, 1985, as in the copy annexed hereto, has been registered and upon Preliminary hearing the Tribunal has directed that the application should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in the Bench of the Tribunal, in person or through a Legal Practitioner or Presenting Officer in this matter at 10.30 A.M. of the 11th day of February, 2000 to show cause why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and seal of this Tribunal this the 17th day of February, 2000.

Encl: Paperbook of OA No. 323/2000
Copy of order dt. 17-2-2000

SECTION OFFICER
JUL. 1
SOP REGISTRAR

(J-1)

18/2/2000

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No.6

OA 323/2000, MA 383/2000

17.02.2000

Present: Sh. Yogesh Sharma, counsel for applicants.

Heard.

Issue notice to respondents to file their reply to the O.A. within four weeks. Rejoinder, if any, within two weeks thereafter.

List the case before Joint Registrar on 11.04.2000 for completion of pleadings.

Ld. Counsel for applicants presses for an interim relief as contained in para 9 of the O.A.

Issue notice to respondents to file a short reply regarding the said interim prayer within 10 days from today.

List the case for hearing on interim relief on 02.03.2000.

In the meanwhile, respondents are directed to maintain status quo as on today.

Pass.



महान् नियमिति
Date
CFP. TRUE COPY
Date

(Dr. A. Yedavalli)
Member (J)

Section Officer (J-1)
Central Admin. Tribunal
Principal Bench, New Delhi

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Parikot House
Copernicus Marg
New Delhi - 110 001.
Date: 6/3/2010

From

The Registrar
Central Administrative Tribunal
Principal Bench, New Delhi.

To

✓ Sh. Yagesh Sharma, Advocate, CAT-Bar-Room
NEW DELHI

2. U/T through, The Secretary, Ministry of
Information and Broadcasting, Govt of India
New Delhi

3. The Director (Adm) Directorate General
of Doordarshan Prasar Bhara
Copernicus Marg, H. Delhi.

Shamsher Singh Chawla

Regn. No. O.4.

323/2010
Applicant

Versus
(ii)

Respondent

sir,

I am directed to forward herewith a copy of Judgement/order dt.
2/3/2010 passed by this Tribunal in the above-mentioned case for
information and necessary action, if any.

Please acknowledge the receipt.



Yours faithfully,

(SECTION OFFICER)
JUDL. I
FOR REGISTRAR
[Signature]

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No.11

OA-323/2000, MA-383/2000

02.03.2000

Present: Sh. D.S. Mahendru, proxy for Sh. Yogesh Sharma, counsel for applicants.

Ld. proxy counsel appearing on behalf of applicants counsel submits that he will be filing proof of dasti service in the Registry today. Two weeks further time is granted to file a short reply.

List the case on 23.03.2000 for hearing on interim relief.

Interim order already passed to continue till the next date of hearing.



(Dr. A. Vedavalli)
Member(J)

मध्यन्तरीय विधायक

Retd.....
CERTIFIED TRUE COPY

Dated.....

Section Officer (J-1)
मध्यन्तरीय विधायक
Central Administrative Tribunal
New Delhi, 16 March

Principal Bench, New Delhi

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Union of India & Ors. v. K. Savitri & Ors. (SC)

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operate as suitable corrective for the respondent-employees. They have suffered enough since more than 14 years. They are out of service for all these 14 years. At the time when they went to sleep in the night shift they were pretty young. Now they have naturally grown up in age and with passage of years more maturity must have dawned on them. Under these circumstances the cut in the back wages as imposed by the Labour Court and as further imposed by us would be quite sufficient to act as deterrent for them so that such misconducts may not be committed by them in future. The third point is answered as aforesaid by holding that the order of reinstatement is justified but the order of back wages as ordered by the Labour Court requires to be modified to the aforesaid extent.

13. In the result, this appeal is dismissed subject to the slight modification that respondent Nos. 3 and 4 will be entitled to reinstatement and continuity of service but so far as back wages are concerned, even after the order of the Labour Court instead of 100% of back wages, respondent No. 3 will be entitled to 40% back wages till reinstatement and respondent No. 4 will be entitled to 50% back wages till actual reinstatement pursuant to the present order. They will also be suitably warned in writing by the appellant as aforesaid. We direct the appellant to reinstate the respondents concerned within four weeks from the date of receipt of a copy of this order at its end. The office shall send a copy of this order to the appellant for information and necessary action. Pursuant to the interim order of this Court pending this appeal the appellant was directed to deposit Rs. 78,000/- for being paid to the respondent-workmen towards their claim of back wages as awarded by the Labour Court and as confirmed by higher Courts. Deducting the said amount the balance of back wages as payable to the respondents concerned pursuant to the present order shall be worked out and this amount of back wages with all other consequential monetary benefits flowing from the order of reinstatement shall be made available by the appellant to the respondents concerned within a period of eight weeks from the receipt of a copy of this order at its end. It is also made clear that because of the grant of continuity of service to the respondents all other future benefits like promotion, retiral benefits etc. according to rules and regulations of appellant-management will also be made available to the respondent-workmen. Orders accordingly. In the facts and circumstances of the case there will be no order as to costs.

[27/98]

Orders accordingly

SUPREME COURT OF INDIA

The Hon'ble Mr. Justice S. Saghir Ahmad

The Hon'ble Mr. Justice G.B. Pattanaik

Union of India & Ors.

—Appellants

versus

K. Savitri & Ors.

—Respondents

Civil Appeal Nos. 6201-96 of 1995

Decided on 4.3.1998

(i) CCS (Redeployment of Surplus Staff) Rules, 1990—Seniority, Benefit of past service, Rules 9, 11.1—Respondents were rendered surplus & redeployment in AIR—Service not counted for seniority in new unit—Claimed benefit—CAT allowed it—Found Rules 9 & 11.1 were unambiguous that past service shall not count for seniority—Hence held CAT was in error. (Para 8)

(ii) CCS (Redeployment of Surplus Staff) Rules, 1990—All India Radio (Class III

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Posts Recruitment) Rules, 1964—Past experience, Promotion—Being rendered surplus respondents were redeployed in AIR—Rules provides 5 years service in the grade in AIR as eligibility for promotion—Seek to count the previous experience for this—Held the experience should be in AIR, so no benefit can be given. (Para 9)

Advocates :

For the Appellants : *Mr. N. Goswami, Sr. Advocate, Mr. S.K. Dwivedi, Mr. As'ok K. Srivastava, Mr. B.K. Prasad, Advocates.*

IMPORTANT POINT

On redeployment of surplus staff, previous services does not count for seniority for eligibility experience.

JUDGMENT

G.B. Pattanaik, J.—These appeals are directed against the orders of the Central Administrative Tribunal, Cuttack Bench, dated 27.5.1994 and 27.10.1994 passed in Original Application Nos. 160, 161 and 163 of 1993. It may be stated that the Union of India preferred applications for review but the Tribunal dismissed those Review Applications by order dated 27.10.1994 holding that there is no error apparent on the face of the record.

2. The question for consideration in these appeals is whether surplus employees having been rendered surplus in the parent department on being redeployed under the provisions of Central Civil Services (Redeployment of Surplus Staff) Rules, 1990 (hereinafter referred to as 'the Rules') can claim the benefit of the counting of past services rendered by them for the purpose of seniority or experience in the redeployed organisation.

3. The brief facts are the respondents were the employees in the office of the Rehabilitation and Reclamation Organisation having joined the said organisation in February, 1987. They became surplus in the parent organisation and thereafter under the provisions of the Rules were appointed in the All India Radio on different dates. In drawing up the seniority list of the employees in the All India Radio as their past services were not taken into account and their experience in the parent organisation was not taken as the requisite experience required for promotion in the All India Radio, they approached the Central Administrative Tribunal by filing different OAs. The Administrative Tribunal having allowed those OAs and having held that the past services rendered in the parent organisation would count for the purpose of seniority as well as experience the Union of India has come up in appeals.

4. Though the respondents have been duly served with the notices but none of them have entered appearance. But some of the respondents have sent their submissions to this Court which are on record and we have, therefore, perused those submissions.

5. Mr. N. Goswami, the learned senior Counsel appearing for the appellant-Union of India submitted that under the Rules an employee after redeployed is not entitled to take the benefit of his past services rendered prior to redeployment either for the purpose of seniority or even as experience for promotion in the redeployed organisation in view of the specific provisions to that effect in the Rules itself. The Tribunal, therefore, committed serious error in directing that the past services should be taken into account. We find considerable force in the aforesaid contentions. The President of India made the Rules in exercise of powers conferred by the proviso to Article 309 of the Constitution for regulating the redeployment and readjustment of surplus staff against vacancies in the Central Civil Services and Posts. The expression 'redeployment' has been defined in Rule 2(f), thus :

"2(f) 'Redeployment' means the appointment of a surplus employee against

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Union of India & Ors. v. K. Savitri & Ors. (SC)

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a vacancy in a Central Civil Service or post in accordance with these rules;" The expression 'surplus staff' and "surplus employee" have been defined in Rule 2(g) thus:

"2(g) 'Surplus staff' and 'surplus employee or employees' means the Central Civil Servants (other than those employed on *ad hoc*, casual, work-charged or contract basis) who—

- (a) are permanent, or, if temporary, have rendered not less than five years' regular continuous service; and
- (b) have been rendered surplus along with their posts from the Ministries, Departments, Offices of the Government of India, as a result of—
- (1) administrative and financial reforms, including *inter alia*, restructuring of an organisation, zero base budgeting, transfer of an activity to a State Government, Public Sector Undertaking or other autonomous organisation, discontinuation of an on-going activity, and introduction of changes in technology; or
- (2) studies of work measurement undertaken by the Staff Inspection Unit of the Ministry of Finance or any other body set up by the Central Government or the Ministry/Department concerned; or
- (3) abolition or winding up either in whole or in part of an organisation of the Central Government;

6. Rule 9 provides that the fixation of seniority and pay of the surplus employee and counting of his previous service for various other purposes in the new post to which he is appointed on redeployment under the Rules shall be regulated in accordance with the instructions issued from time to time by the Government of India in this behalf. The provisions of Rule 9 is extracted hereinbelow in extenso :

9. *Fixation of pay and seniority, counting of previous service for various other purposes and carrying over of lien/classification.*—The fixation of seniority and pay of the surplus employee and counting of his previous service for various other purposes and carrying over of lien/classification in the new post to which he is appointed on redeployment under these rules shall be regulated in accordance with the instructions issued from time to time by the Government of India in this behalf.

7. In exercise of the power under Rule 9 of the Rules, Government of India has issued the revised scheme indicating the manner in which and the extent to which surplus staff on being redeployed under the Rules can be given the benefit of their past services. Paragraph 11 of the revised scheme deals with the question of benefit of past service after redeployment Para 11.1 clearly stipulates that the past services rendered prior to redeployment should not count towards seniority in the new organisation. Para 11.1 is extracted hereinbelow in extenso :

11.1 No change is contemplated in the present policy that the past services rendered prior to redeployment should not count towards seniority, in the new organisation/new post which a surplus employee joins after he is redeployed. The same rule will also have to be applied in the case of those readjusted after redeployment.

3. The service conditions of the redeployed employees under the Rules being governed by the provisions in the Rules as well as the instructions issued from the

Government of India from time to time and in view of the clear unambiguous language in para 11.1 of the instructions referred to above the conclusion is irresistible that the past services of the redeployed staff cannot be counted for seniority in the new organisation. The Tribunal, therefore, committed serious error in directing that the past services would be counted for the seniority of the employees in the All India Radio.

9. Coming now to the question whether the said past services can be counted as experience for promotion, it appears that under Recruitment Rules for various posts in the All India Radio called All India Radio (Class III Posts) Recruitment Rules, 1964 (hereinafter referred to as 'the Recruitment Rules) as amended from time to time the post of Head Clerk is filled up by promotion to the extent of 50% from amongst the Clerk Grade II/Clerk Grade I/Stenographer with a minimum of five years of service in the grades on the basis of a qualifying departmental examination and the criteria for promotion is seniority-cum-fitness. In that view of the matter, since the past services of redeployed surplus employee cannot be counted for his seniority in the new organisation, equally the past experience also would not count as the so-called past services rendered will not be service in the grade. Similarly, for promotion to Clerk Grade I which is made on the basis of seniority-cum-fitness from amongst the Clerks Grade II five years of service in the grade is required for being considered for promotion. Obviously, therefore, an employee should have five years of experience in Clerk Grade II of the All India Radio after being redeployed under the Rules in order to be eligible for being considered for promotion. The Tribunal, therefore, was wholly in error in directing that the past services of the employees should be counted for granting them the benefit of seniority and experience for promotion in the All India Radio. In the aforesaid premises, the impugned orders of the Central Administrative Tribunal, Cuttack Bench, in Original Application Nos. 160, 161 and 163 of 1993 are set aside and those OAs are dismissed and these appeals are allowed but in the circumstances there will be no order as to costs.

[58/98]

Appeals allowed

SUPREME COURT OF INDIA

The Hon'ble Mrs. Justice Sujata V. Manohar
 The Hon'ble Mr. Justice M. Jagannadha Rao
 Union of India & Another —Appellant

G. Ganayutham

Civil Appeal No. 524 of 1988

versus

—Respondent

Decided on 27.8.1997

(i) CCS (Pension) Rules, 1972—Rules 9, 3(1)—Pension, Gratuity, Withdrawing pension and gratuity—Charges held proved and 50% of pension and 50% of gratuity withheld—Plea that gratuity could not be withheld under Rule 9 as the definition of pension in Rule 3(1) did not cover it—Plea not accepted—Held amendment of 1991 was only clarificatory and there being no contra distinction between pension and gratuity in Rule 9, gratuity could be withheld.

(Para 7)

(ii) Quantum of penalty, Rule of proportionality, Judicial review, Power of Court—CAT held penalty was disproportionate—Rule of proportionality discussed as in England and in India—Principles as emerge are that Court can interfere if (i) administrator has considered irrelevant factors (P9) or (ii) decision is so outrageous

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6. We have perused the application as well as the written statement and heard the learned Counsel for the parties. We find that these one or two days breaks are not for any administrative necessity. At least there is nothing on the record to indicate that. The learned Counsel for the respondents have also not been able to show that those breaks were necessary for administrative purpose.

7. In view of the above we hold that the applicants were working continuously for more than three years which was a condition for the purpose of regularisation of their services. From the pleadings and other records available before us, we are of the opinion that the short breaks were artificially created — there was no administrative necessity. These artificial breaks cannot deprive the applicants the benefit of the Scheme (See AIR 1990 SC 2228, 1992(2) SCC 29, and 1987(3) SLJ (CAT) 569). An attempt has been made by the learned Counsel for the respondents to show that at times the applicants were not in service for a long time, and therefore, they would not be regarded as being in continuous service. But, if Annexure-A to the rejoinder, the revised Scheme of MANAS effective from 1.4.1992, is taken into consideration this will show that the applicants had been working for more than three years, with, however, short breaks as indicated above. Therefore, they are entitled to the benefit of the Scheme. It may be mentioned here that the respondents have clearly stated in paragraph 32 of the written statement in O.A. No. 16/95 that the name of the applicant was sponsored by the Employment Exchange and after having selected by the Selection Committee, he was appointed as Project Assistant for six months only on contractual basis. This itself indicates that the applicant fulfilled the requirements mentioned in the Scheme. Similar averments have been made in the written statements of the other applications also.

8. Considering all the aspects of the matter we hold that all the applicants are entitled to be regularised in their services as per the Scheme (MANAS) prepared, and more specifically as per the revised Scheme effective from 1.4.1992. Accordingly we direct the respondents to regularise the services of the applicants within a period of one month from today in terms of the Scheme. If at the time of regularisation the applicants are found to be overaged that should be ignored and this shall not be a bar for regularisation. Till regularisation the applicants should not be removed from their services.

9. The applications are accordingly allowed. However, considering all the facts and circumstances of the cases we make no order as to costs.

[S/27]

Applications allowed

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Central Administrative Tribunal—Guwahati

The Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr. G.L. Sanglyine, Member (A)

Shri Shyamal Nandi

—Applicant

versus

Union of India & Ors.

—Respondents

O.A. No. 231 of 1994

Decided on 24.4.1997

Promotion, Arbitrary action, Pleadings—Post of STA for which the applicant was due promotion was withdrawn from NE Region and taken to Calcutta, thus denying him promotion—No reason for such transfer indicated—Held it is an arbitrary action—Directed to restore it and consider the applicant for promotion.

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Case Referred:

Council of Scientific and Industrial Research and Another v. K.G.S. Bhatt and Another, AIR 1989 SC 1972.

Advocates:

For the Applicant : *Mr. B.K. Sharma, Mr. B. Mehta and Mr. S. Sarma, Advocates.*

For the Respondents : *Mr. A.K. Choudhury, Addl. C.G.S.C.*

IMPORTANT POINT

Transfer of posts should be based on some justified reason.

JUDGMENT

D.N. Baruah, J. (V.C.).—In this application the applicant has prayed for a direction to the Respondents to reallocate or restore the post of STA (Photo) to the Geological Survey of India, North Eastern Region, Shillong which was earlier withdrawn and also for a direction to the Respondents to promote the applicant to the post of STA (Photo) with retrospective effect. The facts for the purpose of disposal of this application are :

2. The applicant joined in Geological Survey of India as Photographer and posted at North Eastern Region, Shillong. At the time of filing of the application he was holding the post of Junior Technical Assistant (Photo). He was promoted to the said post on 30.3.1985. His next promotion was Senior Technical Assistant (Photo). According to the applicant as per the recruitment rule the eligibility criteria for such promotion is five years regular service as J.T.A. (Photo) or 10 years service as Photographer. As per the said rule the applicant became eligible for promotion to the post of STA (Photo) on 22.11.1988 on completion of 10 years of service as Photographer with effect from 21.4.1978. He also became eligible for promotion after completion of five years of service as J.T.A. on 30.3.1990. At the time when his promotion became due, the 2nd Respondents by Annexure 1 Order dated 19.1.1987 alongwith other posts, the post of STA (Photo) was withdrawn. However, for what reason the said post was withdrawn had not been mentioned in the said order. When his promotion became due the applicant made enquiry in the office of the Respondent No. 4 and came to know that by Annexure 1 order dated 19.1.1987 alongwith other posts, the post of STA (Photo) had been withdrawn and reallocated in Calcutta. The applicant expected the said promotion and therefore he was aggrieved.

3. Being aggrieved he submitted Annexure 2 representation to the 4th Respondent. On receipt of the said representation on 26.6.1991 the 4th Respondent by Annexure 6 letter dated 11.3.1993 requested the 2nd Respondent for reallocation of the said post to North Eastern Region but nothing was done. Thereafter, several requests and representations had been filed but to no avail. As per rule, the applicant became eligible for next promotion to the post of Senior Technical Assistant (Photo). This was denied because of non-availability of post in the Region in consequence of withdrawal of post to Central Headquarters, Calcutta. Hence the present application.

4. In due course the respondents have entered appearance and filed written statement. The averments made by the applicant in his application have not been controverted. On the other hand in para 8 of the written statement the respondents have admitted the facts and also mentioned that the authorities were trying to solve the situation. We quote paragraph 8 of the written statement :

8. With regard to the statements made in Paragraph 4.10 of the applications, the Respondents beg to state that all out efforts are being made to find out a

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solution to the problem."

5. We have heard Mr. B.K. Sharma, learned Counsel appearing on behalf of the applicant and Mr. A.K. Choudhury, learned Addl. C.G.S.C. The employment avenues is very limited in this region. Number of persons remain unemployed for want of job. When someone enters in service, he expects some promotion. At the time entering in any service a person looks to the promotional avenue and keeps an eye to the next Promotion. In case of applicant the promotional avenue is Senior Technical Assistant (Photo). It is well known that without any promotional avenue, employees do not get impetus to serve in a better way. Stagnation in a particular post cause not only hardship to the employees but also it diminishes the work culture. In this case by Annexure I order the post which was available in this region had been withdrawn without giving any reason and thereby the promotional avenue was curtailed. The applicant being eligible was affected. For what reason the authority had to withdraw this post from the North Eastern Region to Central Headquarters, Calcutta is not known to us. The written statement filed by the respondents has also not shown any reason for withdrawal of the post and therefore it is liable to be set aside. The Apex Court has also expressed its opinion against the such action. The authority always shall be fair and its actions should be informed of reasons. In the absence of fairness and reasonableness the actions become arbitrary.

6. In the written statement the respondents have replied to the averments made in paragraph 4.10 of the application of the applicant. The respondents have stated in paragraph 8 of the written statement that all efforts were being made to find out a solution to the problem. This paragraph clearly indicates that the withdrawal of the post from this region was not for any justifiable reason and that is why the respondents were making all out efforts to solve the situation. If the problem is created by withdrawal of the said post, the problem created by the respondents in which applicant was in no way responsible. By such action injustice is done not only to the applicant but also to this region, as withdrawal of the post had deprived some persons from this region from promotion. Mr. A.K. Choudhury, Addl. C.G.S.C. in view of the stand taken by the respondents is finding it difficult to support the impugned actions. It is well settled that stagnation in the employment is contrary to the established principle service jurisprudence. In the case of *Council of Scientific and Industrial Research and Another v. K.G.S. Bhatt and Another*, reported in AIR 1989 SC 1972, the Apex Court observed thus :

"It is often said and indeed, arduously, an organisation, public or private does not 'hire a hand' but engages or employs a whole man. The person is recruited by an organisation not just for a job, but for a whole career. One, must, therefore be given an opportunity to advance. This is the oldest and most important feature of the free enterprise system. The opportunity for advancement is a requirement for progress of any organisation. It is an incentive for personnel development as well."

7. In the present case we find that Annexure I order was issued without assigning any reason that the post was required to be taken to Calcutta by withdrawing from this region. The taking away of this post to Calcutta may give employment to some persons in Calcutta, but it will thereby deny the legitimate due of the applicant or persons similarly situated. Even in the written statement the respondents have not explained the reasons why the post was withdrawn from this region nor the Counsel appearing on behalf of the respondents has explained while making his submissions. Mr. Choudhury, learned Addl. C.G.S.C. only submits before us that the office of the Deputy Director General, Geological Survey of India, North Eastern Region is trying hard to get back the said post.

(CJC)

(VMS)

8. Considering all these facts we are of the opinion that withdrawal of the post was unreasonable, unfair and arbitrary. This action of the respondent has deprived the applicant's right to claim for promotion. Therefore, we direct the respondents to consider the post by cancelling Annexure I order and thereafter to consider the claim of the applicant as to whether he is entitled to get the promotion as per rule. This must be done as early as possible within a period of 3 (three) months.

With the above direction the application is disposed of.

Considering the entire facts and circumstances of the case however we make no order as to costs.

[4/97]

Application disposed of.

* * * *

Central Administrative Tribunal—Lucknow

The Hon'ble Mr. V.K. Seth, Member (A)

The Hon'ble Mr. D.C. Verma, Member (J)

Chandra Shekhar Pandey

Applicant

versus

Senior Superintendent Posts, Pratapgarh & Anr.

Respondents

Transfer Application No. 5 of 1994.

Decided on 9.4.1997

EDBPM, Exercise of discretion, Orders by higher authority, Reinstatement— Applicant was found best of all and was duly appointed, on complaint that the services were reviewed by higher authority on whose order the services were terminated—relying on decided cases held the Director had no power to review the decision of lower authority and that the lower authority without exercising discretion vested in it, hence termination set aside and ordered reinstatement.

Cases Referred :

1. Munna Lal v. Union of India, O.A. No. 640 of 1993.
2. K.K. Ramkrishnan v. P.M.G. & Others, (1996) 34 A.T.C. 566.
3. Vikram Kumar v. Union of India & Others, (1990) 14 A.T.C. 367.
4. Anirudh Singji Karshinji Jadeja v. State of Gujarat, (1995) 5 SCC 302.
5. State of U.P. & Others v. Karnla Devi (Smt.) and Another, (1996) 4 SCC 542.
6. Union of India and Others v. Jayakumar Parida, (1996) SCC 441.
7. K.V. Krishnamani v. Lalit Kala Academy, (1996) 5 SCC 89.
8. State of M.P. & Others v. Shyama Pardhi & Others, (1996) 7 SCC 118.

Advocates :

For the Applicant : Mr. Y.C. Srivastava, Advocate.

For the Respondents : Mr. Sunil Sharma, Advocate.

IMPORTANT POINTS

1. *Higher authority cannot review the appointment of EDBPM in P&T Deptt.*
2. *Authority vested with power must exercise its discretion.*

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ALL INDIA GRAPHIC ARTISTS ASSOCIATION (DOORDARSHAN)

REGD. UNDER SOCIETIES REGISTRATION 1860 VIDE REGN. NO. S-31423 OF 1997 UNDER NCT GOVT. OF DELHI

President
S.S. Chandel

Vice-President
Subhas Roy

Gen. Secretary
Ram Singh

Treasurer
Shyam Sunder

Executive Members :
Mrs. Tapati Bagchi
Smt. A. Jyothi Navada
Sh. K.S. Natrajan
Sh. M.K. Suri Babu
Sh. Pankaj Parmar
Sh. Tulajaram Bhute
Sh. S.K. Das
Sh. Bharat Bhusan

RZ 57/284 Gali no. 1 Geetanjali Park, West Sagarpur, New Delhi- 110046 Phone No. : 5044852

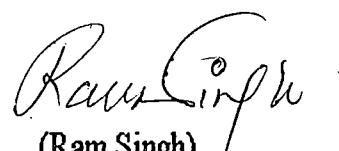
Ref. No.

30-3-2000
Date.....

RESULATION

The office bearers and the members of the All India Graphic Artists Association (Doordarshan) passed the Resolution on 30.3.2000 to authorised Sh. S S Chandel, President to file an OA / petition before the competent court of law against the order dated 21.3.2000 passed by the Director(Admn) and other related matters.

He is authorised to verify and to sign all the papers on behalf of the Association.


(Ram Singh)
Gen. Secretary.

To,

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The C.E.O.

Parsar Bharti,
Broadcasting Corporation of India,
Doordarshan Kendram,
Doordarshan Bhavan,
New Delhi.

Ref. : OO No. 14/2000/SI(A) Dt. : 21-3-2000.

Sub. : Transfer from DDK, Delhi to DDK, Gwalior - Ms Manju Bisht, Graphic Artist Reg.

Respected Sir,

With due respect I beg to submit that vide above referred order of the Director (Admn), Doordarshan I had been transferred from DDK Delhi to DDK, Gwalior.

2. I wish to submit the following points for your kind consideration :-

- a). Referring to Govt of India O.M No. 28034/7/86-Estt(A) dated 3.4.86 which provides posting of "husband and wife at the same station to enable them to lead a normal family life and ensure the education and welfare of their children", and my husband, Shri R.S. Bisht is working as Programme Director with the Indian Council for Cultural Relations (Ministry of External Affairs) is posted in New Delhi.
- b) That I am a patient of Hypertension and polyarthrities and getting treatment from the Ram Manohar Lohia Hospital, New Delhi. The doctors have advised me to have regular check-ups to keep my health in control.
- c) That my son, Master Mannu Bisht, is presently studying in 7th standard in New Delhi.
- d) That my mother, who is about 70 years of age, does not keep well and is being looked after by me. I may also mention that there is no one in my family except myself, who can look after her as she is a widow.
- e) That I am the only female member in my family who looks after all domestic affairs and social obligations.

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3. It is well-settled law and upheld by the Apex Court that whenever any post is abolished and staff is declared surplus, the junior most persons should be transferred or declared surplus. There are seven persons who are junior to me and have not been transferred. The principle of last come first go has not been applied. There is no reason or justification to transfer me from Delhi to Gwalior.
4. Keeping in view of the above, you will appreciate that my transfer from Delhi will completely up-set my official and personal obligations and under these circumstances I will not be in a position to discharge my duties in a proper manner.
5. Under the above circumstance and given the humanitarian considerations, I request you to kindly consider my posting in Delhi.

Thanking you,

Yours faithfully



(Manju Bisht)

Graphic Artist

29-03-2000

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.**

M.A.No.....722 OF 2000

IN

O.A.No.....507 OF 2000

IN THE MATTER OF :

All India Graphic Artists Association.. & Others.....Applicant.
Versus
Union of India & Others.Respondents

Misc. Application for grant of permission
to file a single and joint application.

MOST RESPECTFULLY SHOWETH :

1. That the applicants are presently working as graphic Artists in Doordarshan and seeking the relief in the main OA for quashing the impunged transfer order dated 21.3.2000 and the contents stated in the main OA be treated as a part and parcel of this MA.

2. That the cause of action and relief sought for by both the applicants are same and common and therefore the a joint and single application is permissible as per rules.

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It is, therefore, respectfully prayd that the Hon'ble Tribunal may graciously be pleased to pass an order of allowing the applicants to file a single and joint application. Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants.

1. S. S. Chanchal
2. Manju Bist
3. R. N. Das.
4. 

Verification:

We, the abovenamed applicants do hereby verify that the contents of above paras are true to the best of our knowledge and that we have not suppressed any material facts.

New Delhi

Date: 31/3/2022

1. S. S. Chanchal
2. Manju Bist
3. R. N. Das.
4. 



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 507 of 2000

In the matter of :-

Graphic Artists Asso.

& Others

Petitioners

Vs.

U.O.T. & ors.

Respondents

INDEX

Sl. NO. Particulars of the documents P. Nos.

1. Short reply on behalf of the respondents opposing interim stay & admission.

1- 5

Received 30/5/2000
12-25 AM

30/5/2000 30 MAY 2000

Re: [REDACTED]
Date: 30/5/2000
Place: New Delhi
Through: A.K. Bhardwaj, Advocate
Re: [REDACTED]
Director, Admin.,
Frasat Eba'at/ECI
Cordial Shah E.I. W.C., N. Delhi

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 507 of 2000

In the matter of :-

Graphic Artists Association (Doordarshan) &
Others Petitioners

Versus

Union of India & Others. Respondents

SHORT REPLY ON BEHALF OF THE RESPONDENTS
Opposing the Admission of O.A. & for vacation
of Interim stay.

Most respectfully showeth:-

(i) That the Original Application filed by the respondents is premature. Before approaching the Hon'ble Court by way of O.A. the applicants did not exhaust the departmental remedies. As per section 20 of the A.T. Act 1985, the applicants ought to have made representation to the respondents & could have filed the O.A. only after six months from the date of such representation.

R/Senre (ii) That the applicants have obtained ex- parte ad- interim stay by mispresenting the facts viz. when in view of the organisational & functional changes are taking place in Doordarshan because of coming into existence of "PRASAR BHARTI" it has become necessary utilise the staff at the places where their services are

required in public interest & in exigency of service, ~~their~~ the transfer orders dt. 21.3.2000 is issued, the petitioners have tried to misrepresent the same as surplus orders. Here it is pertinent to reproduce para 4.6 of the O.A. i.e. " 4.6 That the respondent No. 2 without considering the duties function of Graphic Artist & without respecting the seniority list of the Graphic Artist declared 19 Artist ~~as~~ surplus and pass an order of transferring 19 Graphic Artists from Doordarshan Kendra to Relay Kendras vide order dt. 21.3. 90. "

(iii) That it is respectfully submitted that the applicants have not been declared surplus from Doordarshan, but their services are transferred from one place to another in "Doordarshan" only in the interest of functional requirement & in view of exigency of service. It is respectfully submitted that the transfer is one of the condition of service of the Members of petitioner Association & they are liable to be transferred from one organ of Doordarshan to another organ in the interest of Administration.

(iv) That it is respectfully submitted that it has been repeatedly held by the hon'ble Supreme Court that the Tribunal & courts may not interfere with the transfers ordered by the administration except on three grounds viz (i) In such cases where the order of transfer is in violation of rules (ii) or it is malicious (iii) or it is in colourless exercise of powers. In the present case none of said three grounds are available to the petitioners. And the petitioners are just trying to give a transfer order the colour of surplus.

(v) That it is respectfully submitted that

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when transfer of 52 persons is ordered by a Common order it does not lie in the mouth of the respondents to allege discrimination. Furthermore the petitioners have not made such persons against whom they are alleging to have been discriminated, party to O.A. Without prejudice to above it is respectfully submitted that there is no such rule which provide that the transfer of the employees should be ordered in the order of seniority. Seniority is maintained for the purpose of promotion etc. & not for the purpose of transfer & postings. In the matter of transfer it is purely "Administrative Exigency" which prevail over other elements.

(vi) That it is respectfully submitted that after coming into existence of "Prasar Bharti", the Doordarshan (Under Prasar Bharti) is passing the transformation stage & is experiencing Major changes in its Operational & Organisational Objectives , responsibility & Functional Necessities. Readjustment scheme has been drawn by the Ministry of Information & broadcasting in consultation with Doordarshan & prasar Bharti with a view to streamline the functioning of Doordarshan by maximising the potential of man power & other resources (Copy enclosed). Re-adjustment has to be done to make the new installation functioning which are not functioning or functioning partly because of in-adequate staff. It is submitted that in the existing circumstances & in Administrative exigency it has become necessary to re- adjust the staff to make non- functioning installation functioning & to utilise the manpower to its maximum potential instead of having shortage of staff at few installation & excess staff at few others. When the respondents

R.D.S.A.R.

have due concern for personnel & individual convenience of their staff their prominent concern is "Administrative exigency" & public interest.

(vii) That the Doordarshan (Prasar Bharti) can utilise the services of its personnel at the venues where their services are needed. It is submitted that As far as possible the transfer under the new re-deployment scheme has been done keeping longest stay at a particular station as one of the criterion. However in exceptional cases consideration has been shown, as the "criterion" are adopted to meet the administrative targets & the interest of administration is not put at stake just in order to remain stick to criterion. Efforts are made to keep the convenience of the personnel foremost while considering the transfer alongwith the post to new nearby station as far as possible. A broader policy decision has to be taken in administrative exigency. In implementing the policy decision taken in public interest & administrative exigency various categories are affected, but in view of the facts & circumstances mentioned hereinabove it is an inevitable step taken in administrative exigency & public interest, to maintain & increase the efficiency of the organisation & to fulfill the operational/ functional requirements.

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(viii) That in view of the interim order dt. 5.4.2000, the respondents are not able to utilise the manpower staff as per administrative need & functional requirement, so the said order need to be vacated as the same is obtained by mixing the "transfer" with "Surplus" while none of the member of the petitioner association is declared surplus rather they are utilised & are taken away from such installation where they were in excess.

(ix) That it is respectfully submitted that because of the interim order dt. 5.4.2000 passed by their lordships of this Hon'ble Tribunal, the function of the department has become stand still upto a major extent.

x) Prayer :-

In the premises of the above it is respectfully prayed that their lordships of this Hon'ble Tribunal may be pleased to vacate the interim order dt. 5.4.2000 & to dismiss the O.A. in Lemini.

Such other order which their lordships deem fit & proper may please also be passed.

R.K.Singh
Respondents
 (R. K. SINGH)
 Director Accts.
 Press & Publicity
 Dte. Govt. of India
 Doordarshan Bh. W.D., N. Delhi

Through *A.K. Bhardwaj*,
 Govt. Counsel,
 Delhi High Court &
 CAT.

Verification:-

I, R.K. Singh S/o Sh. Mahkam Singh
 posted as Director (Adm) in D.G.O. PB. (Adm)
 New Delhi

do

hereby solemnly affirm & state that the contents of the above short reply are true & correct to the best of my knowledge, derived from record.

Verified at Delhi on *30/5* 2000

(R. K. SINGH)
 Director, Accts.
 Press & Publicity
 Dte. Govt. of India
 Doordarshan Bh. W.D., N. Delhi

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A.NO. 507.....of 2000

IN THE MATTER OF:

All India Graphic Artist Assoc. & Ors..... Applicants.
Versus
UOI & Others..... Respondents

INDEX

Sr.No. Particulars of the Documents. Page No.

1. Rejoinder on behalf of applicant to the short reply 1-4
filed the respondents.

2. Annex: P1: Order of 29-3-2000 5

through counsel:  Applicant
(Yogesh Sharma) Advocate
CAT Bar Room, Faridkot house,
New Delhi

Rec'd and
Accepted

काला वायवीठ। अ। १
आज वायवीठ। अ। १
Filed T. १

Filed
76 JUN 1988
वाचिल वाचिल
प्रारकिस्तार/Dy. Registrant
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

O.A.No. 507 of 2000

IN THE MATTER OF:

Graphic Artists Asso. & Ors.....Applicants.
Versus
UOI & Ors.....Respondents

Rejoinder on behalf of the applicant to the short reply.

MOST RESPECTFULLY SHOWETH:

Parawise Reply :

(i) Para no.(i) of short reply filed by the respondents is totally wrong and hence same is denied. In reply it is submitted before filing the OA the applicant No.2 made a representation to the competent authority and same is annexed as Annex A/8 but till date same has not been decided. Otherwise also, the case of the applicant is an urgent nature and in such type of cases of transfer , person can file his OA without exhausting any remedy.

(ii) Paras No.(i) of the counter are wrong as stated and hence same are denied. In reply it is submitted that the applicants are the employees of Doordarsan and not the employees of Parshar Bharti and therefore the impugned order passed by the Parshar Bharti is liable to be quashed on this sole grounds as till date the applicants have not been absorbed or transfer to Parsar Bharti by any order, Notification and therefore the impugned order is illegal. It is further relevant to submit here that the applicants havebeen ordered to be transfer by the

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impunged order along with the post which amounts Surplus as per the Hon'ble Supreme court Judgement. It is relevant to submit here that Juniors as well as senior to the applicants are retained in Delhi and the respondents by way of applying the pick and choose policy passed the order of transfer to the applicants.

It is further relevant to submit here that the same impunged order has been challenged by the other similarly situated person before other Benchs of the Hon'ble Tribunal and the impunged order has been stayed by the other bench of the Hon'ble Tribunal.

It is further relevant to submit here that the applicant No.2 made a sepecial representation against the impunged order which is based on number of grounds including one ground which is reproduced here as under:

"a) Refering to Govt. of India OM No.28034/7/86-Estt(A) dated 3.4.86 which porovides posting of "husband and wife at the same station to enable them to lead a normal family life and ensure the education and welfare of thier children." and my husband in Shir R.S. Bh isht is working as Programme Director with the Indian Coouncil for Cultural Relations (Ministry of External Affairs) is posted in New Delhi "

It is submitted that the husband of the applicant No.2 is a Govt. employee and working and posted in New Delhi and therefore as per the Govt. of India Notification dt.3.4.1986 the transfer of applicant No.2 is totally illegal.

It is submitted that the applicant No.3 is due for his retirement on 4/4/2020 by which only two years of retirement remains and therefore transfer of the applicant No.3 at the fag end of the reitement is not only illegal but also against

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the instructions issued by the Govt. of India in this regard. It is well settled principle of law laid down by the Hon'ble Division Bench of the Tribunal in the case of Karam Singh Versus Union of India & Ors reported in 1987(3)(CAT) SLR 318 that Too technical view should not be taken in ordering transfer of persons retiring within 2 years. It is submitted that the same principle has been laid down by the Hon'ble Rajasthan High court in the case reported in 1993(7) SLR 755.

(iii) & (iv) Paras No. (iii) and (iv) of the counter are wrong as stated and hence same are denied. In reply it is submitted that the transfer of the applicants is not in public as well as in Administrative Interest. It is submitted that the respondents should have placed the relevant file/record which can prove that the transfer of the applicants is in public interest, simply saying public interest is not sufficient to prove the public interest. It is submitted that the transfer of the applicants is clearly a violation of rules and also a unlawful exercise of powers and therefore same is liable to be quashed.

(v) Para No. (v) of the counter is wrong as stated and hence same is denied. In reply it is submitted that all the persons who have been ordered to be transferred by the impugned order filed their OAs before the different bench of the Hon'ble Tribunal and the impugned order has been stayed by the different Bench of the Hon'ble Tribunal. It is submitted the juniors as well as senior to the applicants are retained in Delhi and the applicants have been chosen to transfer which is a clear case of discrimination as there is no justification to choose the applicants for transfer.

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(vi) & (vii) Para No. (vi) and (vii) of the counter is totally wrong and hence same are denied. In reply it is submitted that the applicants are not the employee of Prasar Bharti and are not under the control of prasar Bharti and therefore the Prasar Bharti has no authority/power to transfer the applicants from one station to another. Moreover, the applicants are the Artist and they have been ordered to be transfer to Relay Kendras where there is no needs of any Artist only technical staff is required and therefore the impunged order is illegal.

(viii) & (ix) Para No. (viii) and (ix) of the counter are totally and hence same are denied. In reply it is submitted that there is no grounds to vacat the interim order at this stage. It is submitted that the impunged order is already stayed by the Division Bench in other Bench.

x) Para No.(x) of the short reply is denied and wrong. The Hon'ble Tribunal may graciously be pleased to pass an order of continuing the interim order dt. 5.4.2000 till the final disposal of the main OA.



Applicants.



Verification :

We, the abovenamed applicants do here by verify that the contents of above para are true to the best of our knowledge and legal advice and that we have not suppressed any material facts.



Applicants.



CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Wednesday,
Chennai, the 29th day of March, Two Thousand.

PRESENT

The Hon'ble Shri Justice K.S.Bakthavatsalam - Vice Chairman

AND

The Hon'ble Shri S. Bapu - Administrative Member

ORIGINAL APPLICATION NO. 303/2000

1. S.N. Vijayagopal, Graphic Artist.
2. A.V. Raghu Prasad, Graphic Artist.
3. T. Thangaragu, Graphic Artist.
4. P. ch. Venkata Rao, Graphic Artist.
(Office of the Doordarshan Kendra, Chennai - 5)

-Vs-

1. The Union of India rep. by The Secretary to Government, Ministry of Information and Broadcasting, New Delhi.
2. The Director (Admn.), Office of the Directorate General of Doordarshan (Prasar Bharathi Broadcasting Corporation of India), Doordarshan Bhavan, Mandi House, New Delhi.
3. The Director, Doordarshan Kendra, Chennai - 5 - RESPONDENTS

M/s. V. VIJAY SHANKAR - COUNSEL FOR THE APPLICANTS

ORDER

The operation of the impugned order NO. 31(6)/2000-SI (A) dated 21.3.2000 passed by the 2nd respondent, be and hereby is stayed in so far as it concerns the applicants TILL 14.4.2000.

/TRUE COPY/

R. S.
REGISTRAR 26/3/2000

1. The Secretary to Government, Ministry of Information and Broadcasting, New Delhi.
2. The Director (Admn.), Office of the Directorate General of Doordarshan, (Prasar Bharathi Broadcasting Corporation of India), Doordarshan Bhavan, Mandi House, New Delhi.
3. The Director, Doordarshan Kendra, Chennai - 5.
4. M/s. V. Vijay Shankar, Advocates.

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