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Central Administrative Tribunal
Principal Bench

O.A. No. 863 of 2000

New Delhi, dated this the 12th October, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Prit Pal Singh,
S/o late Shri Surender Singh,
R/o E-7, Guru Nanakpura,
Jail Road, Janakpuri,
New Delhi-110058.

.. Applicant

(Applicant in person)

Versus

1. Union of India through
the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Chief Executive Officer,
Prasar Bharati,
Doordarshan, Mandi House,
Copernicus Marg,
New Delhi.
3. Smt. Deepak Sandhu,
Addl. Director General,
Doordarshan News,
Central Production Centre,
Khel Gaon, New Delhi.

.. Respondents

(By Advocate: Shri R.N. Singh)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 19.4.2000 (Ann. A-1) transferring him and two other Cameramen Grade II along with their posts effective from 15.3.2000 from DD (News) CPC, New Delhi to DDK, New Delhi.

2. This O.A. had come up along with a bunch of O.As before a Full Bench of the Tribunal for adjudication interalia on the question as to whether

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Government servants who had been sent to Prasar Bharati Corporation on deputation or otherwise could be transferred by the Corporation in terms of the provisions of the Prasar Bharati Act.

3. The Full Bench in its order dated 5.7.2001 in present O.A. No. 883/2000 Pritpal Singh Vs. Union of India and connected cases after answering the aforesaid reference in the affirmative directed that the O.As be returned to the appropriate Benches for disposal on merits and in accordance with law.

4. Accordingly this O.A. came up before us for hearing. We heard applicant who argued his case in person and Shri R.N. Singh for respondents.

5. The main ground advanced by applicant during hearing was that he was being transferred for malafide reasons because he had made certain complaints regarding alleged malpractices in the Camera Section of DD News, CPC, New Delhi.

6. On the other hand respondents' counsel Shri Singh denied the allegations of malafide, and cited a number of rulings, a list of which is taken in record, to emphasise that transfer was purely an incidence of service and the impugned transfer warranted no judicial interference, merely on the

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basis of certain vague allegations^{of} malafides which had not been proved. He also pointed out that it was not a case in which applicant alone had been transferred from his present station i.e. Delhi. He had been transferred within Delhi itself along with his post, and that also together with other Cameramen Grade II, from one unit to another, because of the exigencies of work.

7. It is well settled in a catena of Supreme Court decisions some of which have been referred to by Shri R.N. Singh himself that transfer orders should not be interfered by Courts/Tribunals unless they are made in violative of statutory provisions or are passed malafide.

8. Applicant has not been able to show any statutory provisions which has been violated.

9. In so far as the impugned transfer order being actuated by malafide because of applicant's complaints regarding alleged malpractices in Camera Section of DD News CPC, we note that applicant had addressed various representations to senior authorities including one dated 9.4.2000 addressed to Respondent No.1. We have not been shown any order disposing of those representations as yet. We also note from respondents' letter No. 1(1)/DDE (SKS) 2K EII dated 11.7.2000 that respondents have instituted an enquiry into these allegations of malpractices,

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but we have not been informed of the findings in that enquiry.

10. Under the circumstances without considering it necessary at this stage to record any finding on applicant's contention that his transfer has been actuated by malafide on account of his complaints regarding alleged malpractices in Camera Section of DD News CPC, New Delhi, as respondents themselves are seized of these allegations, we dispose of this O.A. with a direction to respondents to conclude the inquiry into applicant's allegations as expeditiously as possible and preferably within two months from the date of receipt of a copy of this order, and in the light of their findings, themselves examine in the first instance whether the impugned transfer order requires any modification.

11. The O.A. is disposed of in terms of Para 10 above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

karthik