

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this Wednesday, the 29th day of July, 2020

Original Application No. 330/0308/2020

Present:

Hon'ble Mrs. Justice Vijay Lakshmi, Member-Judicial
Hon'ble Mr. Navin Tandon, Member-Administrative

Neerja Madhav, aged about 58 ½ years,
Wife of Sri Beni Madav,
Resident of Madhuban Sa, 14/96, N-5,
Sarangnath Colony, Sarnath, Varanasi-221007, (U.P.)
Under order of posting to All India Radio (hereinafter referred to
as AIR), Gorakhpur, as Assistant Director (Programmes), and
presently stationed as Varanasi, following the quashing by this
Tribunal of orders dated 23.02.2018 and 09.03.2018 seeking to
'voluntarily retire' her from service.

.....Petitioner

V E R S U S

1. The Union of India, through the Secretary, Ministry of Information and Broadcasting, Government of India, New Delhi.
2. Prasar Bharati (India's Public Service Broadcaster), through the Director General, All India Radio, New Delhi.
3. The Director General, All India Radio/Prasar Bharati, New Delhi.
4. The Deputy Director (Administration), Prasar Bharati (India's Public Service Broadcaster), Directorate General, All India Radio, Akashwani Bhawan, New Delhi.

.....Respondents

Advocate for the Applicant:- Shri Shayamal Narain.

Advocate for the Respondent:- Shri L.P. Tiwari

ORDER**By Hon'ble Mr. Navin Tandon, Member(A) :**

Heard Shri Shayamal Narain, learned counsel for the applicant and Shri L.P. Tiwari, learned counsel for the respondents who appeared on advance notice, through video conferencing. The documents available on record were perused by us in PDF format.

2. The brief details of the case are that the applicant was working as Assistant Director (Programmes) at Akashwani Rewa, Madhya Pradesh at the relevant time when she applied for voluntary retirement. Before the due date, she applied to withdraw her application for voluntary retirement. However, this was not agreed to by the respondent department. She approached this Tribunal in OA No.330/1079/2019, wherein vide order dated 17.02.2020 (Annexure A-4) the original application was allowed.

3. As directed by the Tribunal, the applicant submitted her request dated 02.03.2020 (Annexure A-5) to post her at Varanasi. The respondent department issued orders dated 26.03.2020 (Annexure A-1) directing her to join at Gorakhpur on or before 30th April 2020. Subsequently, respondent department vide order dated 22.04.2020 (Annexure A-2) allowed her to join within two weeks of lifting of lockdown. In the next order dated 21.07.2020 (Annexure A-3) she was directed to join at Gorakhpur immediately and in any case by 27.07.2020. In between, the applicant had also

submitted her representations on 21.04.2020 (Annexure A-7) and 24.04.2020 (Annexure A-9), reiterating her request for posting at Varanasi as well as allowing her to join at Gorakhpur through paper-joining as distinct from physical joining.

4. Learned counsel for the applicant took us through the order of this Tribunal dated 17.02.2020, various provisions of the transfer guidelines of the respondent organization (Annexure A-13) as well as DoPTs Office Memorandum dated 30.09.2009 (Annexure A-14) to aver that the three representations of the applicant have been rejected without giving any reason.

5. The applicant has prayed for the following reliefs:-

"8. RELIEFS SOUGHT:

In view of the facts, mentioned in Para 4 above, the applicant prays for the following reliefs:-

That this Hon'ble Tribunal be pleased to :

(a) allow this O.A. and quash the impugned orders dated 26.03.2020, 22.04.2020 and 21.07.2020 (Annexure Nos. A-1, A-2 and A-3 to Compilation No.I, respectively), whereby, the applicant has been sought to be posted to AIR, Gorakhpur, as Assistant Director (Programmes).

(b) Issue suitable orders commanding the respondents to consider the applicant's request for being posted at AIR, Varanasi, or Doordarshan, Varanasi, as made by her vide her representations dated 02.03.2020, 21.04.2020 and 24.04.2020, by means of a reasoned and speaking order, within a reasonable frame of time, keeping in view the relevant provisions of the existing Transfer and Posting Policy of Prasar Bharati, the mandatory and binding provisions of the D.O.P. & T O. M. dated 30.09.2009, and the vacancy position at AIR/Doordarshan, Varanasi.

(c) Issue such other suitable orders or directions as might be found just and proper in the facts and circumstances of the present case.

(d) Award the costs of this Original Application in favour of the applicant, throughout."

6. Learned counsel for the respondents vehemently opposed the original application. He also took us through para 18 and 25 of this Tribunal's order dated 17.02.2020 in OA No.330/01079/2019 to say that there is no merit in the present original application.

7. At this stage, learned counsel for the applicant submitted that the applicant would be satisfied if the OA is disposed of at this stage itself by directing the respondents to decide her representations with a reasoned and speaking order.

8. Learned counsel for the respondents has no objection if the aforesaid prayer is accepted.

9. We have considered the matter and find that the relief prayed for in para 8 (b) of the original application can be granted at the admission stage itself. Accordingly, we direct the competent authority of the respondent department to consider the representations dated 02.03.2020 (Annexure A-5), 21.04.2020 (Annexure A-7) and 24.04.2020 (Annexure A-9) and decide, as per relevant rules, by a reasoned and speaking order within 30 days from the date of receipt of a certified copy of this order. Till such time the representations are decided in above terms, no coercive

action should be taken against the applicant. If the representations are rejected, the respondents shall allow her at least 10 days' time to carry out the transfer.

10. It is clarified that we have not gone into the merits of the case.

11. With the aforesaid directions, the original application is disposed of finally at the admission stage.

(Navin Tandon)
Member (Administrative)

(Justice Vijay Lakshmi)
Member (Judicial)

/Neelam/