

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00044/2021

Date of Order: This, the 9th Day of February, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Md. Imdad Hussain Saikia
Son of Late Md. Yusuf Ali
Senior Engineering Assistant
Doordarshan Kendra, Guwahati
Permanent Resident of House No. 28 (A)
Sijubari, Nijora Path, Hatigaon
Guwahati – 781018, Kamrup (M), Assam.

... Applicant

- Versus -

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Information & Broadcasting
A Wing, Sashtri Bhawan
New Delhi – 110115.
2. The Director General
Doordarshan, Prashar Bharati
(India's Public Service Broadcaster)
Doordarshan Bhawan, Copernicus Marg
New Delhi – 110001.
3. The Additional Director General (E)
(North East Zone) All India Radio
& Doordarshan, Doordarshan Complex
R.G. Baruah Road, Guwahati, Pin – 781024.

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4. The Deputy Director General (E)
Doordarshan Kendra, Doordarshan Complex
R.G. Barua Road, Guwahati, Pin – 781024.

...Respondents.

For the Applicant : Sri Adil Ahmed, D. Goswami,
A. Saharia & S. Hazarika.

For the Respondents : Sri R. Hazarika, Addl. CGSC

ORDER (ORAL)



MANJULA DAS, MEMBER (J):-

This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-

- "8.(i) To set aside and quash the impugned Transfer Order No. 12/2020 under Letter No. ADG (E)/(NEZ)/1(27)/SEA/2020-S dated 18.12.2020, relieved order bearing No. DDK/guw/14(4)/2020-21/s/8795 dated 25.01.2021 and subsequent modified relieved order bearing No. DDK/GUW/14(4)/2020-21/S/8807 dated 28.01.2021 in case of the applicant;
- 8.2 To direct the Respondents to recall the relieved order dated 28.01.2021 of the Applicant by allowing him to continue at any vacant place either at Doordarshan or All India Radio Guwahati as there is sufficient vacancy is available in those places.
- 8.3 To pay the cost of the case of the Applicant.

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8.4 Any other relief (s) that may be entitled to the Applicant."



2. Brief facts of the case is that – applicant is working as Senior Engineering Assistant in Doordarshan Kendra and going to retire from service on superannuation on 31.01.2024. He is staying at Guwahati with his wife, two daughter and old aged mother. His eldest daughter is studying in class X and youngest daughter studying in class VII respectively. His eldest daughter is going to appear in Class X State Board Final Examination in the month of March 2021. Ministry of Information and Broadcasting by letter dated 10.09.1982 has issued guidelines under the heading of "Transfer Policy" by directing Director General, Doordarshan not to transfer of staff who are within three years of reaching the age of superannuation, if posted at their home town, not be shifted there from. If it becomes necessary to post them elsewhere, efforts will be made to shift them to or near home towns to the extent possible. Further Prasar Bharati has introduced "Transfer Policy" 2014 relating to transfer/posting of employees of All

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India Radio and Doordarshan. In the said policy keeping in view of exigencies of work, Officers due for retirement on superannuation within a period of three years may as far as possible be transferred/retained at the place of their choice. Respondents by transfer order dated 18.12.2020 has transferred the applicant from DDK Guwahati to AIR Tezpur. Respondents by order bearing dated 25.01.2021 has ordered that the applicant stand relieved from his duties on 19.02.2021 (AN) with the instructions to report himself for duty at All India Radio Tezpur. Thereafter, after partial modification of the aforesaid office order dated 25.01.2021, the respondents has issued stand relieved order dated 28.01.2021.



3. Sri Adil Ahmed, learned counsel appearing for the applicant submitted that on receipt of his transfer order dated 18.12.2020, applicant immediately submitted representation on 21.12.2020 before the respondent No. 3 through proper channel by requesting him to retain him at his present station at Guwahati by

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highlighting his personal grievance. However, the said representation has not been received by the respondent No. 3. Again when the applicant was about to submit similar representation on 22.01.2021 before the respondent No. 3 against his transfer order but the respondent No. 3 again refused to accept his representation however, advised him to go to Tezpur and take VRS from there.



4. On the other hand, Sri R. Hazarika, learned Addl. CGSC appearing for the respondents submitted that at the time of issuance of the transfer order, applicant was not completed the age of 57 years. However, vide order dated 25.01.2021, it has been ordered that the applicant will be stand relieved from his duties on 19.02.2021 (AN). According to Sri Hazarika, after partial modification of the aforesaid office order dated 25.01.2021, the office of the respondent No. 4 has issued relieved order dated 28.01.2021 whereby the applicant has to be relieved from Doordarshan Kendra, Guwahati to All India Radio, Tezpur on same day of the issuance of

the said order i.e. 28.01.2021 (AN) instead of 19.02.2021 (AN). He is however, not aware whether reliever has joined in place of the applicant at Guwahati or not.



5. We have examined the issue carefully. It is found from the perusal as well as submissions of the learned counsel for the applicant that the representations made by the applicant against the impugned transfer order have not been accepted by the competent authorities. Keeping in view of the above, in the interest of justice and without going into the merit of the case, we direct the respondent authorities more particularly respondent No. 3 to accept the representations made by the applicant on 21.12.2020 as well as 22.01.2021 and consider the same and dispose of it by passing a reasoned and speaking order within a period of three months from the date of receipt of this order.

6. Further with the consent of Sri Adil Ahmed, learned counsel for the applicant and Sri R. Hazarika, learned Addl. CGSC for the respondents, it is hereby directed the respondent authorities to allow the

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applicant to render his services in any equivalent rank and status to his post under Prashar Bharati Organization, subject to the availability of vacancies, till the disposal of his representations.

7. Whatever, decisions to be passed by the respondent No. 3 shall be communicated to the applicant forthwith.



8. With the above observations and directions, O.A. stands disposed of at the admission stage itself.

9. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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