

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00146/2020

Date of decision: 24.08.2020

**CORAM**

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)**  
**HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Khyali Ram S/o Shri Nathu Ram, by caste Meghwal, aged about 56 years, Resident of Radio Colony, Ward No.3 (New), Suratgarh, District Sri Ganganagar (Raj.); at present posted as LDC, Akashwani, Suratgarh, Rajasthan-335804.

.....Applicant

By Advocate: Mr. R.R. Ankiya, present, through VC.

Versus

1. Union of India through Secretary, Ministry of Information and Broadcasting, Government of India, S-11, Anubhagh Akashwani Bhawan, Sansad Marg, New Delhi-11001.
2. The Dy. Director, Parsar Bharti, Akashwani, M.I. Road, Jaipur Rajasthan-302021.
3. The Centre President, Prasar Bharti (India's Public Service Broadcast), Suratgarh, District Sri Ganganagar, Rajasthan-335804.

.....Respondents

By Advocate: Mr. K.S. Yadav, present, through VC

**ORDER (ORAL)**

**Per Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Shri R.R. Ankiya, learned counsel for the applicant and Shri K.S. Yadav, learned counsel for the respondents, present, through Video Conferencing.

2. The applicant joined to the respondent department as Farash w.e.f. 02.11.1987 vide order dated 09.11.1987. The applicant was promoted to the post of LDC vide order dated 16.04.1994 and was posted at Akashwani, Suratgarh. On the recommendation of the Promotion Committee, the applicant was promoted to the post of UDC vide order dated 02.09.2019 and was transferred to Akashwani, Jaisalmer and was directed to join his duty upto 23.09.2019 to his new place of posting. Being promoted and transferred, the applicant had foregone his promotion as he was not in a position to join at Jaisalmer due to his family constraint. The learned counsel for the applicant states that his wife is suffering from various diseases and the younger brother has expired on 13.11.2018 and the responsibility of family of younger brother is also lies upon him. The learned counsel for the applicant states that the respondents after getting his representation has transferred the applicant

from Akashwani Suratgarh to Akashwani Barmer vide order dated 18.11.2019. Again, the applicant gave a representation dated 27.11.2019 reiterating his inconvenience to join at Barmer as Barmer is 600 kilometres away from Suratgarh. It is also stated by the learned counsel for the applicant that thereafter a relieving order was passed on 03.03.2020 and the applicant was ordered to be relieved w.e.f. 31.03.2020 in pursuance of the transfer order dated 18.11.2019. It is contended by the learned counsel for the applicant that due to COVID -19 Pandemic, the department itself ordered not to implement the transfer order and cancelled the relieving order till further orders. An order dated 16.07.2020 was passed to relieve the applicant within 15 days. Thereafter, the applicant submitted a representation dated 27.07.2020. When the applicant was not relieved, the respondents vide order dated 06.08.2020 have relieved the applicant w.e.f. 10.08.2020.

3. Learned counsel for the applicant vehemently argues that the applicant had foregone his promotion due to family constraint and as he is an LDC, hence, it will be very tough for him to maintain two establishments one at Suratgarh another one at his new place of posting. He also states that the applicant is 56 years of old and trying to settle his

family at Suratgarh itself, hence, in this situation also, the respondents should have taken into consideration the request of the applicant. In this regard, learned counsel for the applicant further states that a letter has been written by Shri. N. Balakrishnaiah, who is DDEG(E), All India Radio, Suratgarh, wherein he has stated that there is an acute shortage of staff at Suratgarh, hence, it is not understood why the applicant is being transferred to a new place.

4. Shri K.S. Yadav, learned counsel for the respondents states that the COVID-19 Pandemic situation is not that acute nowadays, and now the Government employees are being transferred, hence, transferring the applicant is nothing illegal or arbitrary action taken by the respondents.

5. Heard the rival contentions of the parties and perused the documents available on record.

6. We have given our thoughtful consideration and found that the applicant is an LDC, who had foregone his promotion due to his family constraint and gave representation for consideration of his staying at Suratgarh as he is also 56 years of age and trying to settle his life at Suratgarh. Further, the DDEG(E) has itself stated in his letter dated 03.08.2020 (Annexure-A/13) that there is an acute shortage of staff at Suratgarh, hence, in this situation, according to us, the respondents should have

given more considerate thought before making decision of relieving the applicant. Learned counsel for the applicant states that in the applicant's representation few vital points are missing, hence, he wants to prefer fresh representation to the respondents and prays that a direction be given to the respondents to take a decision on his fresh representation taking into consideration all the pleas, which will be taken by him. He also states that till the respondents are not taking any decision on his fresh representation, the applicant should not be relieved though there is a relieving order dated 06.08.2020. He also states that the applicant is on medical leave. Hence, on his request, we direct the applicant to prefer a fresh representation within two days from the date of receipt of a certified copy of this order and the respondents are directed to take a decision on the fresh representation of the applicant after receiving the same within 7 days. Till that time, the applicant, though there is a relieving order dated 06.08.2020, shall not be forced to join his new place of posting.

7. With the above direction, OA is disposed off without commenting anything on merits of the case.

**(ARCHANA NIGAM)**  
**MEMBER (A)**

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**(JASMINE AHMED)**  
**MEMBER (J)**