

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 930 1987
T.A. No.

DATE OF DECISION 13.7.1987

Shri K. Surendren

Applicant
Petitioner

Ms. Anita Sachdeva,

Applicant
Advocate for the Petitioner(s)

Versus

Union of India & Others

Respondents

None

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No

✓ kaushal
(Kaushal Kumar)
Member
13.7.87

✓ Madhava Reddy
(K. Madhava Reddy)
Chairman
13.7.87

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

DELHI.

REGN. NO. OA 930/87.

July 13, 1987.

Shri K. Surendren

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Applicant.

Versus

Union of India & Others

...

Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the Applicant ... Ms. Anita Sachdeva, counsel.

For the Respondents ... None.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman).

The applicant who is presently employed
as Stenographer Grade-II in the News Services
Division, All India Radio, seeks a direction to the
Respondents to transfer him as Stenographer Grade-II
in Doordarshan Kendra at Trivendrum and a further
direction against the respondents not to post/
promote Shri G.A. Pillai to the post of Stenographer
Grade-II in Doordarshan Kendra, Trivendrum and to
quash the order dated 9.6.87 posting/promoting
Shri G.A. Pillai as Stenographer Grade-II in
Doordarshan Kendra at Trivendrum.

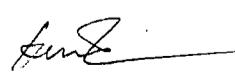
2. The applicant got married in February, 1984.
His wife is employed as a Clerk Grade-II at the
All India Radio, Trivendrum. The main ground on

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which he seeks relief is that as his wife is employed at Trivendrum, he may be transferred to Trivendrum. He made a representation on 13.2.1984 and his mother also made a further representation in this regard. The applicant was informed vide letter dated 15.5.1986 that the matter is under consideration. He was also told that there is no post of Stenographer Grade-II at Doordarshan Kendra, Trivendrum against which the applicant could be considered for transfer and his name was kept in the waiting list for consideration at the appropriate time. In the meanwhile, the applicant was appointed on deputation to Grade-IV of CIS Group 'B' on ad-hoc basis vide order dated 29.1.1986. He was relieved from the post of Stenographer Grade-II on 11.12.1986. He made a further representation on 16.12.1986 that he may be transferred to Trivendrum. The applicant appealed to the Director General, All India Radio, New Delhi vide letter dated 27.2.1987 specifically mentioning that two posts of Stenographers had been sanctioned in Doordarshan Kendra, Trivendrum with effect from 24.2.1987 and that he may be posted against one of the posts. The applicant states that according to his information, the Director, News Services Division, All India Radio, New Delhi while forwarding his letter to the Director General strongly

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recommended his case. Another letter was sent to the Director General, All India Radio on 10.3.1987 wherein it was stated that one of the posts of Stenographer Grade-II at Trivendrum was offered to Smt. Sreedevi Kutty and the applicant's case was recommended for being posted at Trivendrum in preference to others. In the meanwhile, Shri G.A. Pillai, Stenographer Grade-III of Doordarshan Kendra, Trivendrum was promoted as Stenographer Grade-II in the News Services Division, All India Radio, New Delhi vide letter dated 7.2.1987 and was requested to indicate his acceptance of the offer. The Director, Doordarshan Kendra, Trivendrum proposed to fill up the post by the applicant on compassionate grounds. However, that order was not issued. In the meanwhile, in supersession of the earlier order, another order was passed on 9.6.87 by which Shri G.A. Pillai, Stenographer Grade-III of Doordarshan Kendra, Trivendrum was offered the post of Stenographer Grade-II in Doordarshan Kendra, Trivendrum. As a result of this order, there was no post of Stenographer Grade-II available at Trivendrum to which the applicant could be posted. The applicant contends that since he is senior to Shri G.A. Pillai and his representation in regard to posting him against one of the vacancies

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at Trivendrum has been pending for long time and was even approved by the Director General concerned, he should have been posted at Trivendrum instead of Shri Pillai. He further contends that Shri G.A. Pillai having failed to accept the post of Stenographer-II at Delhi, he should not have been promoted at all. It is his further case that the Transfer Policy envisages posting of husband and wife at the same station. Since the applicant got married in February, 1984 and his wife was posted at Trivendrum, he should have been posted at Trivendrum in preference to Shri Pillai.

3. Before we consider the case of the applicant it may be pointed out that Shri Pillai who was Grade-III Stenographer posted at Trivendrum on promotion to Stenographer Grade-II is being retained at Trivendrum. He is not being transferred any where. So much so, there is no vacant post to which either the applicant or anyone else could be posted by way of transfer. May be, earlier a decision was taken on the representation of the applicant to transfer him to Trivendrum. ~~that~~ But the fact remains before any order was issued in pursuance thereof, Shri Pillai, who was already posted at Trivendrum was promoted. So the question whether the applicant should be transferred to Trivendrum

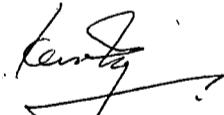
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could not arise. When either suo moto or on the representation of Shri Pillai, he is retained at Trivendrum itself, the question of implementing the Transfer Policy and accepting the representation of the applicant does not arise. If the question was whether Shri Pillai or the applicant should be posted at Trivendrum, then perhaps the representation of the applicant that he was senior and deserved to be preferred to Shri Pillai. Whether on promotion, officers should be posted at the same place or at the other places is an administrative matter; neither the rights of anyone is xxx involved nor does the question of Transfer Policy being contravened arise. This application is, therefore, dismissed.

4. Nothing said herein will preclude the Respondents from considering the question of posting the Applicant in future either at Trivendrum or at any other place.



(Kaushal Kumar)
Member
13.7.1987.



(K. Madhava Reddy)
Chairman
13.7.1987.