

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 578/90  
T.A. No.

199

DATE OF DECISION 3/8/1990

<u>Sh. Ajay Tirkey</u>	Petitioner
<u>Sh.P.L.Mimroth</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India</u>	Respondent
	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K.Kartha, Vice Chairman(J)

The Hon'ble Mr. P.Srinivasan, Member (A)

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

### JUDGEMENT

DELIVERED BY HON'BLE MR.P.SRINIVASAN, MEMBER (A)

This application has been listed before us for admission today with notice to the respondents. We have heard both the parties and also perused the files of the respondents. We feel that for the reasons to be stated below, this application does not deserve to be admitted.

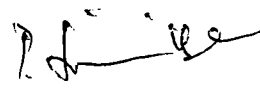
The applicant who belongs to a Scheduled Tribe is working in the Delhi Administration. He is a native of Ranchi district of Bihar. He made a request to the All India Radio that he be accommodated in the office of the All India Radio at Ranchi. All India Radio Ranchi

P. Srinivasan


informed the Director General of All India Radio that there <sup>may</sup> ~~is~~ a vacancy at Ranchi in which the applicant could be accommodated. The applicant's grievance is that his case has not been considered by the respondents. On the other hand, on perusing the records of the respondents, we find that the case of the applicant for being appointed in All India Radio at Ranchi was considered more than once and rejected by the respondents, the latest one being on 15-2-1990. It would have been better if the respondents had informed the applicant of this; they will do so now.

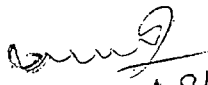
As already stated, we find the case of the applicant has been considered in great detail and rejected and we find no reason to interfere with the decision.

Whether an official working in the Delhi Administration should be transferred and posted in a Central government office at his request is entirely a matter for the Central Government to decide. Shri Luthra relies on Article 89, AA of the Civil Services Regulations in support of the applicant's claim. The said Article 89 AA says that a Government servant may be transferred from one post to another with a view to secure a posting to a station of his choice. This obviously is a discretionary matter and if the Executive Authorities find in an individual case that it cannot be done, it is not for us to interfere and direct them to do so.



In view of the above, the application is rejected at the stage of admission itself, leaving the parties to bear their own costs.

  
(P. SRINIVASAN)  
MEMBER (A)

  
(P. K. KARTHA)  
VICE CHAIRMAN (J)