

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00244/2021

DATED THIS THE 5TH DAY OF APRIL, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)
(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh.)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)
On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore.)

Umesh Talwai
S/o Fakkirappa
Aged 35 years,
Engineering Assistant,
All India Radio, Dharwad
R/o # 21, 14th Cross,
Navodayanagar,
Dharwad-580 003.Applicant

(By Advocate Shri K. Shivakumar - through video conference)

Vs.

1. The Union of India,
Rep. by Additional Director General (E) (SZ),
All India Radio & Doordarshan,
Swami Sivanandasalai,
Chennai-600 005.

2. Deputy Director General (Engg)
All India Radio,
Dharwad-580 008.Respondents

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

1. Quash the transfer orders dated 14.03.2016 (Annexure A-1) and 01.10.2020 (Annexure A-3) as unconstitutional and against the transfer policy guidelines and
2. Order for retaining the applicant in Dharwad or to post him in any one of the three stations of his choice.

2. Shri K. Shivakumar, learned counsel for the applicant submitted that the applicant is presently holding the post of Engineering Assistant in All India Radio, Dharwad. On 14.03.2016, an order was issued by the respondents to transfer him to All India Radio, Bhadravathi. However, the said order was not given effect to until March, 2020. Learned counsel further submitted that on 05.03.2020, the applicant submitted a representation requesting the respondents to re-visit the order of his transfer. The said representation was followed by one more representation dated 29.09.2020. However, the said representations were rejected by the respondents vide order dated 01.10.2020. Still, the order dated 14.03.2016 was not given effect to by the respondents. In the meantime, the respondents issued the transfer policy vide Office Memorandum dated

26.03.2021 and while keeping in view the terms of said Office Memorandum, the applicant again submitted a representation dated 26.03.2021 requesting the respondents to retain him at Dharwad, if possible, or in the alternative he may be posted at any of the three stations namely Ranebennur, Hospet or Karwar. It is the contention of learned counsel that the applicant's representation dated 26.03.2021 is still pending and the respondents have proposed to relieve him from All India Radio, Dharwad on the basis of the impugned order dated 01.10.2020.

3. Learned counsel for the applicant submitted that the applicant will be satisfied if the Original Application is disposed of with a direction to respondents to decide his pending representation dated 26.03.2021 within a time frame.

4. Keeping in view the aforesated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to respondents to re-visit the order dated 01.10.2020 (Annexure A-3) while keeping in view the Office Memorandum dated 26.03.2021 and pass a reasoned and speaking order over the applicant's representation dated 26.03.2021 (Annexure A-5). Before taking such a decision the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of 3 weeks from the date of receipt of a certified copy of this order. Till such time the applicant's representation remains

pending with the competent authority, the status quo with regard to his posting shall be maintained.

6. Ordered accordingly.

7. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

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