

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 17th day of July, 2002.

Original Application No. 812 of 2002.

C O R A M :- Hon'ble Maj. Gen. K.K. Srivastava, Member- A.
Dr. Ghulam Mustafa S/o Late Mohd. Mehboob
R/o 4/81, M-II, Kavir Colony, Anup Shahr Road,
Aligarh.

.....Applicant

Counsel for the applicant :- J.J. Munir

V E R S U S

1. Prasar Bharti, Bhartiya Prasad Nigam
Mandi House, New Delhi, through its Chairman.
- 1A Union of India through the Secretary, M/o Information
and Technology, Shashtri Bhawan, New Delhi.
2. Director General, Doordarshan, Doordarshan Bhawan,
Mandi House, New Delhi.
3. Director Engineer, S-4 Section (Doordarshan),
Mandi House, New Delhi.

.....Respondents

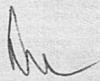
Counsel for the respondents :- Sri R.C. Joshi

O R D E R (Oral)

(By Hon'ble Maj. Gen. K.K. Srivastava, Member- A.)

In this O.A filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the transfer order dated 18.06.2002 and relieving order dated 21.06.2002 and has prayed that both the orders be quashed and the respondents be restrained to enforce the same.

2. The facts, in short, giving rise to this O.A are that the applicant is posted as Assistant Engineer in Doordarshan Relay Center, Aligarh under D.M.C, Mathura.



The applicant was posted at Aligarh in the year, 1998 and assumed charge on 29.05.1998. The applicant has only four years of his service left hence this O.A.

3. The applicant submitted that in the impugned transfer order it has been mentioned that the transfer is on his own request but he has never applied for any transfer instead he requested for retaining ^{him} at Aligarh vide letter dated 01.02.2002 ⁱⁿ addressed ^{to} to the Director General, Doordarshan, Mandi House, New Delhi. Such application was forwarded by the Station Engineer, D.M.C, Mathura on 06.02.2002 duly recommending the same. The applicant produced the same for my perusal, a copy of which has been retained in file .

4. The applicant also submitted that there are still vacancies at Aligarh which are tenable by the applicant. He also submitted that no decision has been taken on his representation dated 01.02.2002 which was forwarded by his controlling officer on 06.02.2002. He was surprised to know about his transfer to D.D.K, Jammu. The applicant also submitted that during his service period he has worked at various stations including Shrinagar (J&K) and at this stage when the applicant is in advance stage of his service and is suffering from High Blood Pressure and Spondylitis, it would be difficult for him to stay alone at Jammu. He has also submitted that his transfer at this stage during mid session will adversely affect the education of his children and, therefore, the applicant has prayed that the transfer order be quashed.


5. I have considered the submission of the applicant, ^{by him} in my opinion, the action of the respondents transferring the applicant in mid session is not correct. Besides, the respondents ought to have considered that the applicant has

hu

already worked at Shrinagar (J&K) a posting ~~of~~ which is considered to be hard posting. Since the applicant has only four years of his service, his case merits consideration by the respondents.

6. The O.A is finally disposed of with direction to Director General, Doordarshan (respondent No.2) to reconsider the posting of the applicant in view of ~~my~~^{his} above observations within specified time. The applicant is given liberty to file a fresh representation giving all the grounds which have been advanced before me within one ~~week~~^{two} weeks from the date of receiving a copy of this order which should be decided within four weeks from the date the representation alongwith copy of this order is filed before him. The respondents shall consider continuing the applicant at the station of his posting till the representation is decided.

7. There shall be no order as to costs.


Member- A.

/Anand/