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CENTRAL ADMINISTRATIVE TRIBUNAL:
CUTTACK BENCH: CUTTACK.

Original Application No.579 of 1993.

Date of decision : August, 5 ,1994.

Adikanda Mahala ...

Applicant.

Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

05 Aug 94.

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impugned on

transfer stayed, on 20.10.1993. The applicant has continued in his present post for more than 9 months on the strength of the stay order granted in this case.

3. The official has cited two grounds in support of his prayer for quashing the impugned order :

- 1) The transfer order is in violation of the declared policy of the Department; and
- ii) He has been in his present post in Bhubaneswar for less than a year.

4. The official does not appear to have represented to the authorities against the transfer, but simply sought a judicial intervention from this Tribunal.

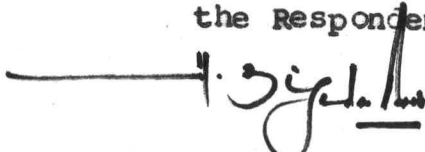
5. I have examined the facts of the case carefully. I must, to start with, say that the argument of the applicant suffers from the basic fallacy that his transfer from Bhubaneswar was before the completion of his tenure. In support of his argument he computes his tenure at Cuttack and Bhubaneswar separately and would want the date of his joining at the latter station to be counted as the beginning of a new tenure. This cannot be accepted because the entire staff of Doordarshan Kendra got shifted enmasse, from Cuttack to Bhubaneswar, and the affected staff were also granted due and generous benefits in the wake of such shift. In the circumstances, it is to be held that his tenure in the present appointment counts from July, 1989, and not from March, 1993, as claimed by him. He has thus completed his full tenure in the

— 1. J. G. Das

present appointment at Cuttack/Bhubaneswar.

6. I have also scrutinised the transfer policy of the Ministry of Information and Broadcasting, a copy of which has been filed by the applicant. I do not find anything in this policy which has been negated or transgressed by the impugned order. On the contrary, it has been clearly stated that in the matter of postings, officials who have not already been posted at a particular station shall have precedence over others who have already had full tenure at that station. The same policy also stipulates that, as far as possible, every employee will be posted to a category 'C' station at least once during his service. The applicant is obviously going to a category 'C' station although, the policy document, and the annexure thereto, being as old as 1981, do not contain the name of Tuensang, possibly because it was commissioned later. It is stated by the respondents that the applicant is the seniormost Engineering Assistant in Doordarshan Kendra, Bhubaneswar, while, on the other hand, Shri Aurobinda Mishra has already completed his prescribed stay in a difficult station in the North East. It may, incidentally, be possible that due to the non-joining of the applicant, another official who has already completed his tenure in the North East is awaiting relief.

7. Considered thus from any point of view, there is no justification for not complying with the orders issued by the Respondent No.2. The said order does not violate



any policy nor is it discriminatory against the applicant, since a number of officials have been shifted from easy to difficult stations and vice-versa. I do not thus find any reason for the stay granted in this case nearly 9 months ago to continue any longer. The same is, therefore, vacated with a direction that the transfer contained in the impugned order may be complied with. It is for the applicant to project his problems to his superiors and for the authorities to take a suitable decision. This Tribunal has no role any longer to play in this matter.

8. Thus, the O.A. is disposed of.

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MEMBER (ADMINISTRATIVE)

Aug 94

Central Administrative Tribunal,
Cuttack Bench, Cuttack,
August, 5, 1994/Saranghi.