

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A NO.416/2013

Wednesday, this the 19th day of February, 2014

C O R A M :

HON'BLE MR.JUSTICE A.K BASHEER, JUDICIAL MEMBER

D.Premkripal
Engineering Assistant
Doordarshan Kendra
Thiruvananthapuram

- Applicant

(By Advocate Ms.Daya K.Panicker and Mr.P.Q Shaji)

Versus

1. Additional Director General (E) (SZ)
All India Radio and Doordarshan
Swami Sivananda Salai
Chennai – 600 006

2. Deputy Director General (E)
Doordarshan Kendra
Thiruvananthapuram – 695 043

- Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

This Original Application having been heard on 19th February, 2014
this Tribunal on the same day delivered the following :-

ORDER

BY HON'BLE MR.JUSTICE A.K BASHEER, JUDICIAL MEMBER

Applicant, who is stated to be working as Engineering Assistant at Doordarshan Kendra, Thiruvananthapuram, has filed this Original Application impugning Annexure A-5 order of his transfer to Kanhagad. It is contended by the applicant that his transfer is ex-facie illegal, arbitrary and in total violation of the transfer norms. The primary contention raised by the applicant is that he ought to have been given a transfer in or around Kollam District where his wife, a State Government employee, is working.

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It is pointed out that there are several vacancies in and around Thiruvananthapuram and Kollam where the applicant can be easily accommodated.

2. Per contra it is contended by the respondents that the applicant was recruited for South Zone comprising of four states viz; Andhra Pradesh, Kerala, Tamil Nadu apart from the Union Territories of Puducherry, Andaman & Nicobar islands and Lakshadweep islands. Initially he was appointed at Doordarshan Kendra in Thiruvananthapuram as a Technician. He had worked at Trivandrum from July 1987 till July, 1993. Thereafter, he had continued to work as Senior Technician from July 1993 till June, 1996 at Thiruvananthapuram itself. It is true that the applicant had worked at Port Blair for nearly two years between 1996 and 1998. He came back to Thiruvananthapuram again in 1999 and continued to work there till 2006. Thereafter, he had worked for about six months at Adoor. The applicant is now working as Engineering Assistant at Doordarshan Kendra in Trivandrum from December 2006 till date. Thus the applicant has been working at Trivandrum for almost 17 years out of his total service of 20 years. The respondents have also asserted that the present order of transfer is in tune with the provisions contained in the transfer norms or guidelines. As regards the contention raised by the applicant that he ought to have been allowed to continue at the place where his wife is working, it is pointed out that the applicant has been retained in the State of Kerala since his wife is a State Government employee as otherwise he is liable to be transferred to any one of the other Southern States. It is true that the wife of the applicant is presently working at Kulathoopuzha of Kollam District District as a High School Assistant and it was therefore that the applicant was allowed to continue in the State of Kerala itself. In other words, the applicant has not been posted in any of the other Southern States of Andhra Pradesh, Tamilnadu or Karnataka and Andaman and Nicobar

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islands or Lakshadweep because of the above consideration.

3. I have perused the entire materials available on record and heard the learned counsel for the parties at length.

4. It is trite that a transfer is an incidence of service. An employee cannot insist that he should be posted at any particular place of his or her choice. As rightly pointed out by the respondents, applicant had been allowed to continue in Kerala through out his service even though he was liable to be transferred to any of the other Southern States. It is not in dispute that the applicant has been working in and around Trivandrum for nearly 17 years. Therefore, he cannot be heard to say that he should be allowed to continue in and around Thiruvananthapuram or Kollam.

4. Learned counsel submits that the applicant had pointed out five other stations, where vacancies are not available viz; Marthandam, Devikulam, Thiruvananthapuram, Chengannur and Kottarakkara. But the respondents have referred to each and every station preferred by the applicant and stated the reasons why he could not be accommodated in any one of them at this juncture.

5. Having regard to the entire facts and circumstances of the case, I do not find any reason to interfere with the impugned order. However, it will be open to the applicant to approach the Competent Authority at a later stage and highlight his grievances, in which event, the said Competent Authority shall consider the same and take a decision thereon in accordance with the rules governing the filed. It is pointed out by the learned counsel that the applicant has already submitted a representation in this regard with specific request to consider his claim for a convenient posting. If such a representation is pending,

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nothing prevents the Competent Authority to take a decision thereon and communicate the same to the applicant.

5. The Original Application fails and it is accordingly dismissed. No costs.


JUSTICE A.K.BASHEER
JUDICIAL MEMBER

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