

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 487 of 2012

THURSDAY, this the 12th day of June, 2013

CORAM

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K.R. Jayachandran Nair,
S/o. N. Ramakrishna Panicker,
Revathi, MRA – 155-G, I.B. Line,
Ohm Nagar, Manikandheswaram P.O.,
Vattiyoorkavu, Thiruvananthapuram
(Sr. Engineering Assistant, Doordarshan
Kendra, Thiruvananthapuram).

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Applicant.

(By Advocate Mr. R. Jayakrishnan)

v e r s u s

1. The Director General,
Prasarbharathi Broadcasting Corporation of India,
Directorate General, All India Radio,
Akasvani Bhavan, Sansad Marg,
New Delhi - 110 001

2. The Additional Director General (E), South Zone,
Prasarbharathi Broadcasting Corporation of India,
Office of the Chief Engineer, South Zone,
All India Radio & Doordarshan, Swami Sivanandha
Salai, Chennai – 5

3. Deputy Director General (P), Doordarshan Kendra,
Kudappanakunnu, Thiruvananthapuram - 13

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Respondents.


(By Advofcate Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 06.06.2013, the Tribunal on 13.06.13
delivered the following:

ORDER

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant, a Senior Engineering Assistant in Doordarshan Kendra,
Thiruvananthapuram, has filed this O.A praying to set aside Annexure A-1



transfer order dated 28.03.2012 in so far as it is applicable to him.

2. The applicant submitted that his transfer from Tiruvananthapuram to Hyderabad is not in public interest or due to any exigency of service. His son is studying in Plus-One (State syllabus) at Thiruvananthapuram and his classes have already been started. His family cannot be shifted at Hyderabad at this juncture. No reply has been given on his representation dated 30.03.2012 by the respondents.

3. The respondents in their reply submitted that the applicant has to serve any where in the South Zone. Transfer is an incidence of service. Out of his 23 years of service, the applicant has served in and around Thiruvananthapuram for 12 years. His representation was considered. He is posted to a Metro city. There is no necessity to change the order as the needs of Doordarshan Kendra, Hyderabad, are far more urgent. The respondents have relied on the decision of Hon'ble Supreme Court in the case of **S.C. Saxena vs. Union of India and Another**, 2006 SCC (L&S) 1890, and the order of this Tribunal in O.A. No. 662/2011 (**Shri P.P. Vijayan vs. Union of India and Others**) in support of their contention.

4. When the case was taken up for final hearing on 06.06.2013, after a number of adjournments, neither the applicant nor his counsel was present. This case was adjourned on many occasions due to no-appearance on behalf of the applicant. In the circumstances, this case is being disposed of on merit under Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.



5. I have heard Mr. Sunil Jacob Jose, learned SCGSC appearing for the respondents and perused the records.

6. The applicant had joined the service of the respondents knowing fully that he has to serve anywhere in the South Zone. A major part of his service was spent in or around Thiruvananthapuram. The transfer is an incidence of service, as rightly stated by the respondents. An employee has no right to be posted at a place of his choice. The applicant has no case that his tenure in Thiruvananthapuram is not over. He does not allege violation of any transfer guidelines on the part of the respondents. He has not substantiated that he has been discriminated against. It is the prerogative of the department to decide posting of its employees. Personal matters of an employee cannot override the needs of the Department. Ordinarily, this Tribunal would not interfere in transfer unless malafides are established against the administration. The applicant has not proved any malafides on the part of the respondents in his transfer. On the strength of the interim order to maintain status quo as on 18.06.2012, the applicant has continued to stay at Thiruvananthapuram till date. There is no merit in the contentions of the applicant against his transfer to Hyderabad..

7. Lacking merit, the O.A. is dismissed. The interim stay granted on 18.06.2012 is vacated. No order as to costs.

(Dated, the 13th June, 2013)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

cvr.