

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 51 of 2003

Wednesday, this the 5th day of February, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. Sunny Varghese,  
S/o P.K. Gee Varghese,  
Engineering Assistant, Doordarsan Kendra,  
Thiruvananthapuram,  
Prasar Bharathy (Broadcasting  
Corporation of India). ....Applicant

[By Advocate Mr. P.V. Mohanan]

Versus

1. The Chief Engineer (SZ),  
All India Radio and Television 'Prasar Bharati'  
Swamy Sivanda Salai, Chennai - 600 005

2. The Superintending Engineer,  
Doordarsan Kendra, Thiruvananthapuram.

3. Union of India, represented by Secretary,  
Ministry of Information and Broadcasting,  
New Delhi.

4. The Director General, All India Radio,  
Akashavani Bhavan, Parliament Street,  
New Delhi - 110 001 ....Respondents

[By Advocate Mr. T.A. Unnikrishnan, ACGSC]

The application having been heard on 5-2-2003, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, Engineering Assistant, Doordarshan  
Kendra, Trivandrum, apprehending a transfer on promotion  
submitted a representation dated 6-2-2002 (Annexure A1) that he  
may be retained at Trivandrum on the ground of personal  
difficulties and domestic problems. While so, the impugned  
order dated 11-12-2002 (Annexure A2) was issued promoting the  
applicant as Senior Engineering Assistant and transferring him

to TVRC, Mudigere, Karnataka. The applicant submitted Annexure A3 representation dated 16-12-2002 for retention on the ground that he is sick, his daughter is sick and his wife who is employed in Trivandrum is also sick. Subsequently, the applicant submitted Annexure A4 representation dated 20-1-2003 to the 1st respondent explaining the circumstances under which he is constrained to request for retention at Trivandrum forgoing his promotion. This representation is yet to be considered and disposed of. Apprehending that the applicant would be relieved on the basis of the impugned Annexure A2 order, the applicant has filed this Original Application seeking to set aside Annexure A2 order to the extent it affects him and for a direction to the respondents to retain him either as Engineering Assistant or Senior Engineering Assistant at Doordarshan Kendra, Trivandrum.

2. When the matter came up today for hearing on admission and on the question of interim relief, learned counsel of the respondents states that the applicant's request for permission to forgo the promotion and to continue at Trivandrum contained in Annexure A4 representation of the applicant would be considered by the Director General, All India Radio, New Delhi (4th respondent) that the same has been forwarded to him, that till an appropriate order on that is served on the applicant, the applicant would not be relieved on promotion from the present place of his posting and that the Original Application may be disposed of with directions in that behalf. Counsel of the applicant also agrees for such a course of action.

3. In the light of the above submissions by the learned counsel on either side, the Original Application is disposed of directing the 4th respondent to consider the request of the applicant for retention at Trivandrum forgoing the promotion

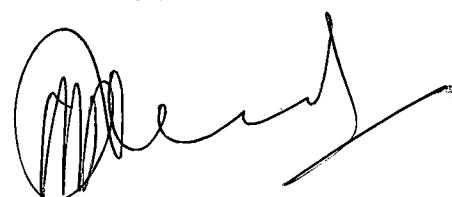
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made in Annexure A4 representation of the applicant and to give him an appropriate reply as expeditiously as possible. Respondents are further directed not to relieve the applicant from the present place of his posting till an order on Annexure A4 representation of the applicant by the 4th respondent is served on him. There is no order as to costs.

Wednesday, this the 5th day of February, 2003

T. N. T. NAYAR

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ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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