

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 504/2002

Monday, this the 27th day of January, 2003.

CORAM :

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

M.S. Kurup,
S/o K. Madhavan Pillai,
News Reader/Translator,
All India Radio,
Thiruvananthapuram,
residing at EVRA 80, Sagarika,
Jagathi, Thiruvananthapuram. ...Applicant


(By advocate Mr.MA.Firoz)

v.

1. Union of India, represented by its Secretary, Ministry of Information and Broadcasting, Sanchar Bhavan, New Delhi.
2. Prasara Bharathi (Broadcasting Corporation of India) rep. by Chief Executive Officer, PTI Buildings, New Delhi.
3. The Director General, News Services Division, AIR, New Delhi.
4. The Director General, All India Radio, Akashvani Bhavan Parliament Street, New Delhi.1.
5. The station Director, All India Radio Thiruvananthapuram.
6. Shri Alexander Mathew NRT Grade III, All India Radio Thiruvananthapuram.Respondents

(By Advocate Mr.C.Rajendran SCGSC (R.1-5)
Shri KL Narasimhan (for R.6)

The application having been heard on 27.1.2003, the Tribunal on the same day delivered the following:




O R D E R

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

The applicant, a News Reader/Translator, AIR, Trivandrum, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the order dated 10.6.2002(Annexure A6) to the extent of his transfer as News Reader/Translator, AIR, New Delhi. It is alleged in the application that after serving in New Delhi for a period of 16 years, on his request on compassionate grounds he was transferred to the present post in the year 1996, that the present order of transfer is issued during the middle of the academic year, that his wife is employed in a private school at Trivandrum, and that the transfer is arbitrary, irrational and unjustifiable as there are persons with longer stay who have never moved out of Trivandrum, like the 6th respondent who have been left undisturbed. The applicant pointing out his grievances made Annexure A11 representation and not finding any response to this, has filed this application.


2. On behalf of respondents 1 to 5 a reply statement has been filed seeking to justify the impugned order of transfer on administrative grounds because there are two posts of NRT in excess of sanctioned strength at Trivandrum and a need of one NRT is there at Delhi. However, official respondents have not stated as to why other persons with longer stay have not been considered for transfer. The 6th respondent has filed reply statement contending that there are persons with longer stay at Trivandrum than him and that he is not a necessary party.



3. I have heard the learned counsel for all the parties.

4. Since the official respondents have not stated any specific reason as to why the applicant alone was specifically chosen for transfer while persons with longer stay at Trivandrum were retained, the learned counsel for the respondents submitted that the application can now be disposed of permitting the applicant to make a detailed supplementary representation to the 4th respondent and directing the 4th respondent to consider the representation and to give an appropriate reply to the applicant. The learned counsel for the 6th respondent argued that as the 6th respondent was regularly appointed as NRT Grade III only on 16.1.2000, the period rendered as local recruit is to be excluded for computing the stay at Trivandrum for the purpose of transfer. This question would definitely be considered by the 4th respondent while disposing of the representation of the applicant in terms of the norms contained in the transfer guidelines as also the transfer policy(Annexure A9 and A10).

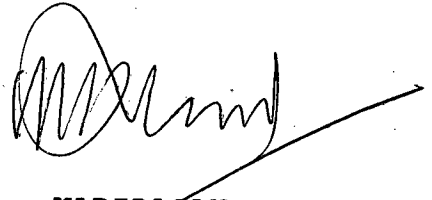
5. In the light of the above submission by the counsel on either side, I dispose of this application permitting the applicant to make a supplementary representation within a week from the date of receipt of a copy of this order to the 4th respondent and directing the 4th respondent to consider the same



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and to give the applicant an appropriate reply as early as possible keeping the relief of the applicant from Trivandrum pending till a reply on the representation is served on him. No costs.

Dated the 27th January, 2003.

A handwritten signature in black ink, appearing to be 'A.V. Haridasan', with a long horizontal stroke extending to the right.

A.V. HARIDASAN
VICE CHAIRMAN

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