

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.522/2007

Monday this the 20 th day of August, 2007.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

K.RAMACHANDRAN,

S/o K.Kesavan,

Assistant Engineer,

Doordarshan Kendra, Thiruvananthapuram,

Residing At "KAMAL", No.TC.3/2734,

Pattom Junction, Pattom Palace P.O.,

THIRUVANANTHAPURAM -695 004. Applicant

(By Advocate Shri.T.C.Govindaswamy)

Versus

1. Union of India, represented by
The Secretary to the Government of India,
Ministry of Information & Broadcasting,
NEW DELHI.
2. The Director General, Doordarshan,
Mandi House, **NEW DELHI.**
3. The Deputy Director (Admn)
Office of the Director General,
Doordarshan, Mandi House,
NEW DELHI.
4. The Station Director
Doordarshan Kendra,
THIRUVANANTHAPURAM,..... Respondents

(By Advocate Shri.TPM Ibrahim Khan, SCGSC(R1)

(By Advocate Shri.NN Sugunapalan (R.2-4)

The application having been heard on 20.08.2007,
the Tribunal on the same day delivered the following.

ORDER

HONB'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant has challenged Annexure A-1 order dated 14.8.07 a copy of
which, according to the applicant, has been down-loaded from the internet. By

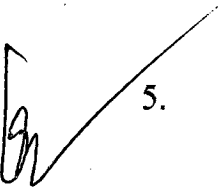
this order, the applicant stands transferred from DDK Trivandrum to DDK Aizwal vide.Sl.No.48 of Annexure A-1. According to the applicant, the said order has not so far been officially served upon him.

2. Challenge has been made to the aforesaid A-1 order inter-alia on the ground that the same is violative of Clause (xi) of Annexure A-2 guidelines which reads as under:-

“Persons who already had a spell of posting at a 'C' station would not be posted to such a station a second time if there are candidates in the same grade who are to be posted to such a station. They may, however, be posted again on promotion. ”

3. According to the applicant he had earlier served in a hard station (Lakshadweep) from 2001 to 2003 and as such, his posting now when others who have not done in hard station, is illegal. It is further stated that the applicant's spouse is employed in State Government at Trivandrum and he has two school-going children.

4. The applicant has also stated that normally, vide Annexure-A4, in matters of transfer, opportunity is given to the affected persons to make representation and such representation against transfer should be disposed of and it is only thereafter that the individuals could be relieved. Such a representation, however, according to the applicant, cannot be made, unless formally the transfer order is served upon the applicant. And in this case, according to the applicant, he may not be in a position to move such a representation since the impugned order provides for transfer “with immediate effect” which would imply that the applicant will be relieved immediately.

 5. Shri TPM Ibrahim Khan, Senior Central Government Standing Counsel

represents the 1st respondent. It is stated that, another counsel (Shri NN Sugunapalan) represents the respondents 2 to 4 and he has not so far been served.

6. Taking into account the facts and circumstances of the case, it is felt that, interests of justice would be met, if the respondents are directed to treat this entire O.A. as a representation in accordance with Annexure A-4 circular dated 23.3.2007 and the same be considered by the respondents and judicious decision taken. Till then, in so far as the applicant is concerned, the impugned order dated 14.8.07 shall not be acted upon. Counsel for the applicant shall effect service of a copy of the O.A. to the counsel for R.2-4 today itself. (Copy of this order be also made available to the counsel for the parties today itself).

7. O.A. is disposed of. No costs.

Dated the 20 th August, 2007.



Dr.K.B.S.RAJAN
JUDICIAL MEMBER