

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.532/2001

Friday this the 22nd day of June, 2001

CORAM

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

B.V.Unnithan, News Editor (on transfer)
All India Radio,
Trivandrum.Applicant

(By Advocate Mr. N.Nandakumara Menon)

V.

1. Union of India, represented by the Secretary, Ministry of Information and Broadcasting, New Delhi.
2. The Chief Executive Officer, Prasar Bharati (Broadcasting Corporation of India) New Delhi.
3. The Director General (News) All India Radio; New Services Division, New Delhi.
4. Mr.G.Jayalal, Station Director, All India Radio, Trivandrum.
5. Smt.Sushama, News Rader-cum-Transltor, All India Radio,Trivandrum.Respondents

(By Advocate Mr. R.Prasanthkumar for R.1to3)

The application having been heard on 22.6.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is a News Editor (on transfer) All India Radio, Trivandrum has filed this application impugning the order dated 28.5.2001 (A.24) by which he has been transferred from All India Radio,Trivandrum to NSD of All

India Radio, New Delhi and the post of News Editor shifted from NSD, AIR Trivandrum is restored to NSD as also the order dated 28.5.01 (A25) by which the applicant has been relieved. It is alleged in the application that the impugned order of transfer is issued on account of malafides of Respondents 4&5 and at the behest of respondents 4&5. It is further alleged in the application that the 5th respondent has been making complaints against the applicant to the 4th respondent and the 4th respondent has been harrassing the applicant in several ways. It has also been alleged that the transfer is against the norms regarding traansfer and that as the applicant's wife is employed in Trivandrum the applicant should not have been transferred. With these allegations the applicant has filed this application seeking to have the impugned orders set aside.

2. We have heard the learned counsel of the applicant as also Shri R.Prasanthkumar appearing for respondents 1 to 3. Shri Nandakumara Menon, learned counsel of the applicant argued that the impugned order apart of from being against the transfer norms is vitiated by malafides since the order has been issued at the behest of the respondents 4 and 5 who are inimical towards him. It has been held in a catena of decisions by the Apex Court that guidelines do not insultate an employee from transfer if such transfer is required on public interest. Regarding the allegation of malafides against Respondents 4 and 5 we are of the view that it has nothing to do with the order of transfer which has been

✓

issued by the third respondent Director General who is a much higher officer than respondents 4 and 5. Even if respondents 4 and 5 may have malice against the applicant it cannot be held that the Director General's order is vitiated by malafides as no allegation is made against the Director General. It will be under-estimating the capacity of the Director General if it is assumed that he acted as a tool in the hands of respondents 4 and 5 without even any specific allegation to that effect. When the competent authority of the establishment considered it necessary to redeploy its employees working under it on administrative ground to different places judicial intervention will be justified only if it is shown that the power has been misused to achieve oblique motives or order was issued with malafide intention. Since no malafides has been alleged against the third respondent who is the Director General who has issued the impugned order, we do not find any reason for interference or even to entertain this application. As the order of transfer is a routine administrative order issued in public interest we find no valid cause of action deserving admission of this application.

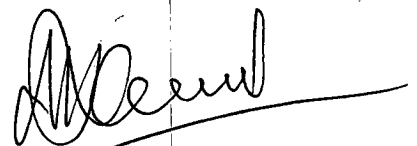
In the result, the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 22nd day of July, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(S)



A.V. HARIDASAN
VICE CHAIRMAN

List of annexures referred to:

Annexure.A24: True copy of Order dated 28.5.2001
No.13/6/2000/RNU/1414 issued by the third
respondent to the applicant.

Annexure.A25: True copy of Order dated 28.5.2001
No.TVM-21(2)20001-S(BVU)/3037 issued by
the 4th respondent to the applicant.

.....