

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.608 OF 2004

Friday this the 13th day of August, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

G.Ganesan, aged 40 years
S/o A.Govindaswamy,
Workcharged Motor Driver
(CCW(E) AIR Chennai)
office of the Asst.Engineer (Elec.)
CCW Sub Division,
Thiruvananthapuram.Applicant

(By Advocate Mr.Vinod Chandran K)

v.

1. Union of India represented by its Secretary, Ministry of Information and Broadcasting New Delhi.
2. Prasar Bharathi (Broadcasting Corporation of India) Directorate General, All India Radio Akashvani Bhavan, Sansad Marg, New Delhi.1.
3. Executive Engineer (Electrical) Office of the Executive Engineer (Electrical) Constructions Wing, All India Radio, Utsav, 64 GN Chetty Road T.Nagar, Chennai.17.
4. The Deputy Director General (SR I&II) Prasar Bharathi, All India Radio, Mylapore, Chennai.4.
5. The Station Director, All India Radio, Madurai.Respondents

(By Advocate Mr.P.M.M.Najeeb Khan)

The application having been heard on 13.8.2004, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Workcharged Motor Driver in the office of the Assistant Engineer, CCW Sub Division,

Trivandrum in the Prasar Bharathi (Broadcasting Corporation of India) has filed this application challenging the order dated 25.5.2004 (A5) of the Deputy Director (Administration) in the Director General of All India Radio turning down his request for transfer as Driver in the regular establishment of AIR, Madurai on the ground that the work-charged drivers are not entitled to be transferred against regular pensionable establishment and cadre posts of drivers. It is alleged in the application that the post of workcharged driver and regular driver are inter-changeable and comparable and the rejection of his request is unsustainable. The applicant, therefore, seeks to set aside Annexure.A.5 declaring that the applicant who is a workcharged employee is entitled to be transferred to the regular establishment with the prior approval of the Ist or 2nd respondent.

2. We have perused the application and have heard Shri Vinodchandran.K. learned counsel of the applicant and Shri PMM Najeebkhan, ACGSC appearing for the respondents. Learned counsel of the applicant relying on Annexure.A.6 memo of the Ist respondent dated 29.1.1993 stated that the transfer of a workcharged staff to a regular establishment and vice-versa is permissible. In Annexure.A6 itself it is stated as follows:

"Further as per para 11.04 of the CPWD manual Vol.III "No member of the workcharged staff shall be transferred to the regular establishment or vice-versa except with the prior approval of the

.3.

Govt. of India or on promotion in accordance with the provisions of the Recruitment Rules."

3. There is no mention in the application that in the case of the applicant he has been promoted in accordance with the provisions of the Recruitment Rules or in his case there is approval of the Government of India for bringing him to the regular establishment. Under these circumstances the decision contained in the impugned order Annexure A5 that the workcharged driver cannot be as a matter of course transferred as a driver in the regular establishment and not to accede to the request of the applicant for transfer does not suffer from any infirmity, even *prima facie*. Therefore, we do not find anything in this application which calls for its admission and further deliberation. Therefore, the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated this the 13th day of August, 2004

H.P.DAS

ADMINISTRATIVE MEMBER

s.



A.V. HARIDASAN
VICE CHAIRMAN