

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED WEDNESDAY THE TWENTY SECOND DAY OF FEBRUARY
ONE THOUSAND NINE HUNDRED EIGHTY NINE.

PRESENT

Hon'ble Shri S.P. Mukerji, Vice Chairman

ORIGINAL APPLICATION No.83/89

M.R.S. Menon, News Editor,
Doora Darsan Kendra,
Trivandrum. .. Applicant

Versus

1. Union of India, represented
by the Secretary, Ministry
of Information and Broadcasting,
Sastri Bhavan, New Delhi-1.
2. Director General, Doora
Darsan, New Delhi.
3. Director, Doora Darsan
Kendra, Trivandrum.5. .. Respondents

Counsel for the applicant .. M/s N. Sukumaran,
S. Ananthasubrahmanyam,
S. Shyam & G. Subramanyam.

Counsel for the respondents.. Mr. Kochunni Nair, ACGSC

ORDER
Hon'ble Shri S.P. Mukerji, Vice Chairman

I have heard the arguments of the learned
counsel for both the parties on the question of
extension of stay of the impugned order of transfer
~~as also on merits.~~
which expires today. The learned counsel for the
respondents has clarified that the applicant who
was posted as Field Publicity Officer at Alleppey
was originally posted as News Editor at Door Darshan
Kendra, Trivandrum on 24.1.1989 where there is
electronic media. When it was revealed that the

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applicant has very little experience to deal with such media it was felt that it would not be administratively expedient to post him at Trivandrum in-charge of the News Division. Within three days of the posting order to Trivandrum the impugned order dated 27.1.1989 was passed posting him to Delhi where there will be opportunity for the applicant to pick-up the work conducted through electronic media.

2. The learned counsel for the applicant stated that his family life will put to difficulty as the applicant's old mother is a cancer patient and his father is old and blind. The learned counsel for the respondents further indicated that the applicant has not represented to the department about his personal difficulties and has rushed to the Tribunal against the impugned order.

3. The administrative reason indicated by the learned counsel for the respondent is quite convincing. The only point which troubles me is the difficulty which the applicant's parents may experience by the order of transfer. However, since the applicant is being posted to Delhi where the medical and other facilities are much better than at Trivandrum, the applicant should consider himself fortunate in getting this posting which will help him in the proper treatment of his parents. However, it was indicated by the learned

counsel for the respondents ^{that} out of 18 years of
total service the applicant has been ^{for} ₅ 9 years
in his home State of Kerala.

4. In the facts and circumstances I do not see any merit in the application and reject the same under Section 22(2) of the Administrative Tribunals Act. This is without prejudice to the right of the applicant to make proper representation to the respondents and ^{to the} _{his} rights available to him to seek redress from the Government.

S.P.
Mukerji

(S.P. Mukerji)
Vice Chairman
22.2.1989

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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED THE FOURTEENTH DAY OF JUNE ONE THOUSAND NINE
HUNDRED EIGHTYNINE

P R E S E N T

Hon'ble Shri S.P Mukerji, Vice-Chairman

REVIEW APPLICATION NO. 7/89
(O.A No.83/89)

M.R.S Menon ... Petitioner

Vs.

1. Union of India, represented by the Secretary, Ministry of Information and Broadcasting, Sastri Bhavan, New Delhi-110 001.
2. Director General, Doora Darsan, New Delhi.
3. Director, Doora Darsan Kendra, Trivandrum-5. ... Respondents

Mr. Kochupappu Achan .. Counsel for the applicant

Mr.C.Kochunni Nair, ACGSC .. Counsel for the respondents

O R D E R

Shri S.P Mukerji, Vice-Chairman

In this Review Application, the applicant has sought review of my Order dated 22.2.1989 on O.A No.83/89 rejecting the application and upholding the order of his transfer from Trivandrum to Delhi. It was held by me that the administrative reason given by the learned Counsel for the respondents that his posting to Delhi was to give him an opportunity for picking up the work conducted through the electronic media was good enough. It was noted by me that out of 18 years of service, the applicant had spent 9 years in his home State Kerala. It was also indicated by me that his

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ailing parents would be medically attended better in Delhi than in Kerala. The application was rejected under Section 22(2) of the Administrative Tribunals Act after hearing both the parties. In the Review Application it has been indicated that the application should not have been rejected without a written counter from the respondents and without considering the personal difficulties faced by the applicant. The merits for the administrative reason have also been challenged.

2. I have heard the arguments of the learned Counsel for both the parties and gone through the documents carefully. Section 22(2) does not debar the Tribunal from taking decisions on the applications without a counter affidavit. Non-filing of counter affidavit if at all, should be a grievance for the respondents and not for the applicant as in this case. The learned Counsel for the applicant agrees that the reference in para 2 of the judgment that the applicant had not represented to the Department and rushed to the Tribunal is about the representation he should have filed after he had been transferred to Delhi ^{concedus} ^{new} and that the applicant had ^{been} represented against that order before coming to the Tribunal. The alleged inconvenience about the treatment of the applicant's parents has been discussed in the judgment and it was felt that Delhi would be a better place for medical treatment of his parents than any place in Kerala. The applicant cannot challenge the merits of the administrative reason accepted by me, in a Review Application. He can well do so in an appeal. Since the applicant has failed ^{etiam} to point out any error apparent on the face of the ^{etiam} ^h

record or to give any new fact which was not available to him inspite of due diligence before the judgment was delivered, I see no merit in the Review Application and reject the same.

S.P. Mukerji
14.6.89

(S.P. MUKERJI)
VICE-CHAIRMAN
14.6.89

NJJ