

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 12 of 1999

Monday, this the 31st day of January, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. K.M. Francis,
Security Gard,
All India Radio,
Thrissur. Applicant

By Advocate Mr. Shafik M.A.

Vs.

1. Director General,
All India Radio,
Akashwani Bhavan, Parliament Street,
New Delhi-110001.

2. Deputy Director of Administration,
All India Radio,
Akashwani Bhavan, Parliament Street,
New Delhi-110001.

3. Station Engineer,
All India Radio,
Thrissur.

4. Union of India represented by its
Secretary,
Ministry of Information & Broadcasting,
Government of India,
New Delhi. Respondents

By Advocate Mr. Govindh K. Bharathan, SCGSC

The application having been heard on 31st January, 2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to set aside A5, to declare that Rule 6(1)(g) of the Central Civil Services (Redeployment of Surplus Staff) Rules, 1990 cannot be invoked to transfer him out of Kerala, and to direct respondents to consider his request to post him at All India Radio, Devikulam or in any other nearby vacancy in Kerala State.

2. While the applicant was working as Security Guard in All India Radio, Thrissur, as per A5, the impugned order,

contd..2

he was transferred to Chitradurga. There are vacancies of Security Guards in All India Radio within Kerala State. A permanent vacancy of Security Guard has arisen in All India Radio at Devikulam on 1-9-1998. While issuing A5 order, that has not been taken note of.

3. Respondents say that being surplus at AIR, Thrissur, the applicant was transferred to AIR, Chitradurga against a clear vacancy.

4. On 6-1-1999, an interim order was issued directing that status quo as of today regarding the posting of the applicant be maintained and that if there is vacancy of Security Guard at AIR, Devikulam, it shall not be filled up till then, otherwise than appointment on compassionate grounds.

5. It is submitted by the learned counsel on both sides that the applicant is continuing at All India Radio, Thrissur even now.

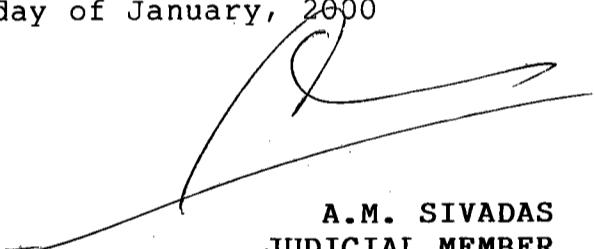
6. The learned counsel appearing for the respondents drew my attention to the fax message received by him from the authorities concerned stating that one post of Security Guard is vacant at Devikulam. He also drew my attention to another fax message which he received today from the authorities concerned confirming that one post of Security Guard is vacant at All India Radio, Devikulam. So, it is clear that there is one post of Security Guard vacant at All India Radio, Devikulam.

7. No difficulty has been expressed as to the continuance of the applicant at All India Radio, Thrissur.

8. In the said circumstances, there cannot be any difficulty either to allow the applicant at Thrissur or to post him at Devikulam. That being so, A5 need not be put into operation. Accordingly, it is made clear that A5 need not be implemented. In the said circumstances, respondents are directed to consider the question of retaining the applicant at his present station, i.e. Thrissur or posting him at Devikulam, where there is admittedly a vacancy. Necessary orders shall be passed as expeditiously as possible.

9. The Original Application is disposed of as above.
No costs.

Monday, this the 31st day of January, 2000


A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in the OA:

1. Annexure A-5 - True copy of the Order No. 50/98-SVI dt. 3-9-1998 issued by the 1st respondent.

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