

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.148/2003

Tuesday, this the 25th day of February, 2003.

CORAM :

HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE SHRI K.V. SACHIDANANDAN, JUDICIAL MEMBER

E.K. Gopalakrishnan,
Jaya Nivas, Sukapuram P.O.,
Edappal, Malappuram District.

... Applicant

(By Advocate Mr. K.R.B. Kaimal)

Vs

1. Union of India, rep. by the
Secretary,
Ministry of Information &
Broadcasting,
New Delhi.

2. The Deputy Director General(Sr. I & II),
All India Radio,
Prasar Bharati Broadcasting
Corporation of India,
Chennai-4.

3. The Station Director,
Prasar Bharati Broadcasting
Corporation of India,
All India Radio,
Calicut-32.

... Respondents

(By Mr. S.K. Balachandran, ACGSC)

The application having been heard on 25.2.2003, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant is working as a Driver in the AIR Station at Calicut since 1.12.1986. By Annexure A1 order dated 28.1.2003, he has been transferred as Driver to All India Radio, Devikulam Station with immediate effect. By Annexure A2 order dated 10.2.2003, he has been relieved so as to enable him to join at Devikulam. Being unhappy with this, the applicant is on leave. The applicant contests the Annexure A1 and A2 orders on the ground that he is permanently settled at Edappal close to Calicut and that transfer to Devikulam which is 220 km away from this place would seriously affect his family life. He would submit that he has two daughters studying in 7th and 3rd Standards

respectively. The applicant prays for an order quashing/setting aside Annexure A1 and A2 and for a direction to the 2nd and 3rd respondents to issue orders retaining him at AIR Station, Calicut.

2. When the matter came up for hearing on admission, Shri KRB Kaimal, the learned counsel for the applicant pointed out that normally transfer of lower grade employees like Drivers are made on the basis of requests, and that the present transfer of the applicant to Devikulam would seriously affect his family life and educational prospects of his children. Shri S.K. Balachandran, ACGSC, who took notice on behalf of respondents pointed out that the impugned orders of transfer are issued in accordance with the norms regarding transfer and that there is no imputation of malafides in the matter. Devikulam operations have to be carried out smoothly, and the applicant, as Driver, was transferred in the exigencies of service.

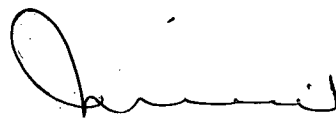
3. On going through the facts on record, and having regard to the submissions of counsel on either side, we find that the applicant has failed to establish that there is any breach of existing instructions and rules regarding transfer and that there is any malafide on the part of any of the respondents. That being the position, this Tribunal finds itself unable to interfere with the Administrative orders issued by the competent authority. We decline to interfere with the order of transfer and uphold the impugned orders.

4. Accordingly, the OA is dismissed. No order as to costs.

Dated the 25th February, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER