

O.A.NO.171 OF 2004

CORAM

P.M.Edwin, aged 39 years
S/o P.M.Michael,
Transmission Executive,
All India Radio, Trichur
residing at Perumpallil House
Engineering College PO
Trichur.9. ..Applicant

V.

- (By Advocate Mr. C.B.Sreekumar, ACGSC)

The application having been heard on 10.3.2004, the Tribunal on the same day delivered the following:

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O R D E R

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

The applicant, Transmission Executive, All India Radio, Trichur has filed this application aggrieved by Annexure A-1 order dated 4.3.2004 to the extent that he is transferred from Trichur to Dharwad. He has filed this application challenging the impugned order to the extent it affects him on the ground that the order is contrary to the statutory Recruitment Rules, that the post of Transmission Executive being maintained at state level and the incumbent holding the post is required to be conversant with one of the major languages of the station the transfer of the applicant from Kerala to Karnataka is against the rules, that the order has been stage managed by the 6th respondent against whom the applicant had made a complaint (Annexure A-5) to the 1st respondent and that as the applicant has got personal and family problems of illness and illness of his brother-in-law the transfer would bring untold suffering. With these allegations the applicant has filed this application seeking to set aside the impugned order.

2. We have carefully gone through the application and annexures appended thereto and have heard Shri.T.C.Govindaswamy, learned counsel of the applicant and Shri.C.B.Sreekumar, learned counsel for the respondents who took notice and appeared for the respondents.

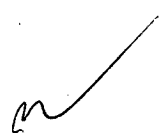
3. We shall deal with the individual grounds taken in the application to see whether there is anything in the application which calls for its admission and further deliberation. The

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first ground that the applicant a person from Kerala, maintained in the Kerala region of the All India Radio, has been illegally transferred out of the region to Karnataka state and the language of the station is not known to the applicant, we find from Annexure A-3 Recruitment Rules that the post of Transmission Executive has been classified as Central Civil Services Group C which obviously indicate that this is in an All India cadre. The fact that knowledge of one of the main languages of the station is required for recruitment to the post is no reason why a person recruited from Kerala cannot be posted anywhere in India. Therefore we do not find any substance in the contention that the transfer of the applicant is against the rules.

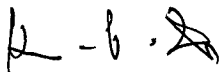
4. Coming to the question of malafides we do not find any allegations which is worth serious consideration. The applicant stated that he made a complaint against the 6th respondent to the 1st respondent that therefore the 6th respondent has stage managed the transfer. The 6th respondent is in no way connected with the impugned order of transfer, the order was made by the Deputy Director General (4th respondent). We do not find any substance in that argument also.

5. The next point raised is that the applicant is suffering from some disease and his family situation requires him to be in Kerala. The transfer is an incident of service and an officer holding a transferable post have no right to claim that he should be posted in a particular station.

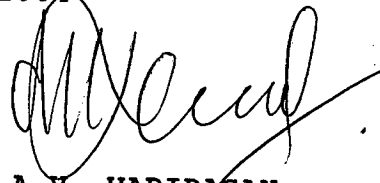


6. In the light of what is stated above, we do not find anything in this application which requires admission of this application and further deliberation. We therefore reject this application under Section 19(3) of the Administrative Tribunals Act 1985.

Dated this the 10th day of March, 2004



H.P. DAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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