

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
T. A. No.

191

1992

DATE OF DECISION 12.3.92

D. U. Sharma

Applicant(s)

Mr. M.R. Rajendran Nair

Advocate for the Applicant (s)

Versus

The Director General, Doordarshan,

New Delhi and another Respondent (s)

Mr. N.N. Sugunapalan, SCGSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

This is an application filed by the applicant challenging his transfer from Trivandrum to Kanoor on various grounds. This transfer order was passed on 13.1.92. While admitting the application on 3.2.92, we have passed an interim order directing the respondents to maintain status quo regarding continuance of the applicant in Trivandrum.

2. Respondents have filed reply and the applicant filed a rejoinder.

3. Today when the case came up for final hearing and disposal, the learned counsel for the applicant limited his prayer and submitted that he is prepared to go and join

duty at Kannoor in pursuance of the impugned transfer order provided he would be considered for a posting at Trivandrum in the next arising vacancy in preference to others, taking into consideration the fact that he has only just above 3 years to retire from service.

4. The learned counsel for the respondents brought to our notice an additional reply statement filed today, in which the respondents have undertaken that keeping in view of the retirement of the applicant on superannuation in July, 1995, the respondents are prepared to consider the posting of the applicant in a post in the DDK, Trivandrum as early as possible.

5. We have heard the counsel on both sides. After hearing the counsel on both sides, we are of the view that this application can be disposed of in the interest of justice with directions. Since the applicant has already indicated his willingness to go and join at Kannoor in pursuance of the transfer order Annexure-I dated 13.1.92, we direct the applicant to go and join at Kannoor, as per the impugned order of transfer within a period of two weeks from today unless the respondents are prepared to post him at DDK, Trivandrum without reporting at Kannoor for the purpose of avoiding financial commitment of the Department for carrying out the transfer.

6. We further direct the respondents to consider the transfer and posting of the applicant in any of the existing or next arising vacancies of Assistant Engineer in DDK, Trivandrum, in preference to any of the claims of others, to that post in terms of the statement in the reply statement filed by the respondents today.

7. With these observations, the application is disposed of. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER

12.3.92


(S. P. MUKERJI)
VICE CHAIRMAN

12.3.92

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