

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.204/2002

Thursday this the 9th day September, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

S.Y.Thomas,
Lower Division Clerk,
All India Radio,Thiruvananthapuram.
residing at Chinnu, TC No.37/3532,Jagathy,
Thiruvananthapuram.Applicant

(By Advocate Mr.MA Shihabudeen)

V.

1. Union of India, represented by its Secretary, Ministry of Information & Broadcasting, New Delhi.
2. The Station Director, All India Radio, Thiruvananthapuram.
3. The Director General, All India Radio, Akashvani Bhavan, Parliament Street, New Delhi.
4. The Chief Executive Officer Prasar Bharathi (Broadcasting Corporation of India) Akashvani Bhavan, New Delhi.Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 5.9.2002, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Lower Division Clerk in the All India Radio, Trivandrum has filed this application challenging the order dated 20.6.2000 (A2) to the extent of his transfer from Trivandrum to Devikulam. It is alleged in the application that he is neither juniormost nor seniormost and that picking up him for transfer is arbitrary and irrational. The applicant had earlier

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approached the Hon'ble High Court of Kerala filing OP No.17613/2000 alongwith another. The Hon'ble High Court had issued an interim order of stay and the stay continued during the pendency of the OP. However, the Original Petition was disposed of by order dated 6.3.2002 permitting the petitioner to withdraw the OP with liberty to approach the Central Administrative Tribunal providing that the interim order would continue for two weeks more. The applicant, thereafter filed this OA and on the basis of the interim order issued by this Tribunal the applicant is still continuing in Trivandrum.

2. The respondents in their reply statement resist the claim of the applicant. It is contended in the reply statement that only one person who has got longer service than applicant has been allowed to continue in Trivandrum as she had already been subjected to a transfer.

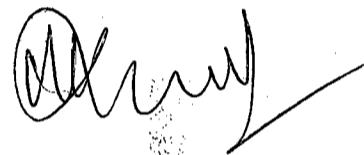
3. When the application came up for final hearing today, taking note of the fact that the impugned order of transfer was issued in the year 2000, that more than two years have elapsed without the transfer having been given effect to on the basis of the interim order by the Hon'ble High Court of Kerala and continued by this Tribunal, counsel state that it would be appropriate if the applicant is permitted to make a representation to the second respondent putting forth his grievances mentioning the change in circumstances and directing the second respondent to consider the representation and to give him an appropriate reply within a reasonable time keeping the relief of the applicant pursuant to the impugned order pending.

4. In the light of the submission of the learned counsel on either side, we dispose of this application permitting the applicant to make a detailed representation to the second respondent pointing out the various factors in his favour seeking the retention at Trivandrum within two weeks from today and directing the second respondent that if such a representation is received, the same shall be considered and appropriate reply given to the applicant as early as possible and that till an order on his representation is served on him, the applicant shall not be relieved from the present place of posting. No costs.

Dated the 5th day of September, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-I: True copy of the relevant extract of the seniority list of the LDC dated 1.1.2000.
2. A-II: True copy of the Order No.TVM.I (10)2000-S dated 20.6.2000 issued by the 2nd respondent.
3. A-III: True copy of the representation submitted by the applicant to the 2nd respondent dated 20.6.2000.
4. A-IV: True copy of the judgement in OP No.17613/2000-V of the Hon'ble High Court of Kerala dated 6.3.2002.
5. A-V: True copy of the Letter No.310/78/75-B(D) (Vol.II) dated 14.7.1981 of the 1st respondent.

Respondents' Annexures:

1. R-1: True copy of the letter dated 29.5.2000 issued by the 3rd respondent.
2. R-2: True copy of the order dated 11.9.2001 in OA No.1266/2000 issued by the Hon'ble Central Administrative Tribunal Principal Bench.

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