

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.205/2002

Thursday this the 5th day of September, 2002

CORAM

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

T.K.Raju,
S/o T.T.Thomas,
Upper Division Clerk, All India Radio,
Thiruvananthapuram,
residing at TC 16/1539,
Jagathy, Thiruvananthapuram.

..Applicant

(By Advocate Mr. M.A.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.CB Sreekumar, ACGSC)

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 who is an Upper Division Clerk in the All India Radio has filed this application challenging his transfer from Trivandrum to Devikulam by the impugned order dated 20.6.2000(Annexure.A2). The applicant has alleged in the application that while transferring the applicant the norms relating to the transfer has been totally violated, that he being neither senior nor the junior should not have been picked up for transfer and that his transfer order is

Contd....


liable to be set aside on the ground of arbitrariness and discrimination.

2. The respondents in their reply statement seek to justify the order of transfer.

3. Before filing the O.A. the applicant had filed Original Petition No.17613/2000 alongwith another. The Hon'ble High Court of Kerala stayed the operation of the impugned order by an interim order which continued during the pendency of the OP. The OP was disposed of by order dated 6.3.2002 allowing the petitioner to withdraw the petition to seek relief before the Central Administrative Tribunal providing that the interim order will continue for two weeks more. Thereafter, this application has been filed. The Tribunal stayed the operation of the impugned order and the stay order still continues.

4. Noting that though the impugned order of transfer was issued in June, 2000 the same has not been given effect to on account of the interim order issued by the Hon'ble High Court and by the Tribunal, counsel on either side state that it would be appropriate if the application is disposed of permitting the applicant to make a detailed representation to the second respondent pointing out the relevant factors in his favour including the change in circumstances and directing the second respondent to consider the representation and to give the applicant an appropriate reply within a reasonable time keeping the relief of the applicant pending till a reply is served on him.


Contd....



5. In the light of what is stated above, the application is disposed of permitting the applicant to make a detailed representation to the second respondent seeking the applicant's retention at Trivandrum pointing out the change in circumstance and other relevant factors 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 expeditiously as possible keeping the relief of the applicant in abeyance till such a reply is served on him. 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 UDC dated 1.1.2000.
2. A-II: True copy of the Order No.TVM.I (10)2000 dated 20.6.2000 issued by the 2nd respondent.
3. A-III: True copy of the representation filed by the petitioner before the 2nd respondent dated 20.6.2000.
4. A-IV: True copy of the judgement in OP No.17613/2000 dated 6.3.2002 of the Hon'ble High Court of Kerala.
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: A true copy of the letter No.4/19/VII/99-SII dated 29.5.2000.
2. R-2: A true copy of the order of the Principal Bench of Hon'ble Central Administrative Tribunal, New Delhi in OA No.1266/2000 dated 11.9.2001.

npp
10.9.02