

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.238 OF 2008

Tuesday, this the 6th day of May, 2008.

CORAM :

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

M. Mohamed Asraf
Film / Video Editor
Doordarshan Kendra
Kudappanakkunnu
Thiruvananthapuram

: Applicant

(By Advocate Mr. P.Santhosh Kumar)

vs.

1. Union of India represented by the Secretary
Ministry of Information & Broadcasting
New Delhi
2. Prasar Bharathy (Broadcasting Corporation of India)
New Delhi represented by the Chief Executive Officer
3. The Director General
Prasar Bharathy (Broadcasting Corporation of India)
Doordarshan Kendra,
New Delhi
4. The Director,
Doordarshan Kendra
Kudappanakkunnu
Thiruvananthapuram – 43
5. M.C.Surendrakumar
Film / Video Editor
Doordarshan Kendra, Ranchi : Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC (R1-2)
Mr.N.N.Sugunapalan , Senior with Mr.S.Sujin (R3&4)

ORDER

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the Annexure A-1 transfer order transferring him from Doordarshan Kendra, Trivandrum to Doordarshan Kendra, Ranchi and posting the 5th respondent Shri M.C.Surendrakumar from Doorcarshan Kendra, Ranchi in his place.

He has submitted that the said transfers are illegal and without consideration of the guidelines in the matter issued by the Director General, Doordarshan (Annexure A-2) dated 29.06.2000.

2. The applicant submitted that the 5th respondent was a Projectionist and have been adjusted in the post of Film Editor on compassionate grounds and he has accepted the said appointment order as Film Editor to be posted in Ranchi. So his posting in Trivandrum disturbing the applicant is illegal and against the undertakings given by the 5th respondent in terms of the aforesaid guidelines. He has also submitted that the said guidelines prescribed that the seniority of the Projectionist who were absorbed should be ranked down the regular and qualified Film / Video Editors. He has also pointed out that there is another person, namely, Mr. Thankavelu Sami , who has been absorbed as Film / Video Editor working in Trivandrum. According to him, if at all the 5th respondent had to be given any undue benefits, it should have been by accommodating him in the place of Mr.Thankavelu Sami. Further, the applicant has submitted that his wife is working in a Public Enterprises at Trivandrum, his eldest daughter is studying in 5th standard and 2nd daughter is a pre-time baby and needs constant parental attention.

3. I have heard Mr.P.Santhosh Kumar, learned counsel for applicant. Ms.Jisha for respondent No.,1 & 2 and Mr.S.Sujin learned counsel for respondents. 3 & 4 respectively

4. In my considered opinion, this is a pre-mature application. The impugned order has been issued on 02.05.2008 and applicant has approached this Tribunal without availing himself of any departmental

remedy by making a representation against the aforesaid order of transfer. I therefore, dismiss this O.A as pre-mature. However, I grant liberty to the applicant to make a representation to the 3rd respondent viz., The Director General, Prasar Bharathy (Broadcasting Corporation of India) Doordarshan Kendra, New Delhi detailing of his grievances within a period of three days from today and the 3rd respondent shall consider the same and take appropriate decision in the matter at the earliest. Till such time, the impugned order dated 02.05.2008 shall remain stayed.

5. There shall be no order as to costs.

Dated, the 6th May, 2008.


GEORGE PARACKEN
JUDICIAL MEMBER

vs