

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.281/08

Wednesday this the 19th day of August 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

P.V.Priyadarshini,
W/o.Sunil Kumar,
Lower Division Clerk,
Office of the Assistant Engineer (Elect.),
CCW, All India Radio, Thiruvananthapuram.

...Applicant

(By Advocate Mr.Rajesh R Pillai)

V e r s u s

1. The Director General,
All India Radio, New Delhi.
2. The Deputy Director General (South Zone),
All India Radio, Chennai.
3. The Executive Engineer (Elect.),
CCW, All India Radio, Chennai.
4. The Assistant Engineer (Elect.),
CCW, All India Radio, Thiruvananthapuram. ...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 19th August 2009 the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

This is second round of litigation by the applicant. Her prayer in the O.A is to direct the 2nd respondent, namely, the Deputy Director General (South Zone), All India Radio, Chennai, to maintain her seniority under the Kerala Zone reckoning her seniority with effect from 14.10.1996 ie., the



.2.

date on which she joined the office of the 4th respondent, namely, the Assistant Engineer (Elect.), CCW, All India Radio, Thiruvananthapuram in terms of her Annexure A-5 representation dated 29.10.2007.

2. The applicant was initially appointed as Lower Division Clerk, Doordarshan Kendra, Kohima, Nagaland on 17.6.1994. Thereafter, she was transferred to Doordarshan Kendra, Thiruvananthapuram under the 4th respondent, namely, the Assistant Engineer (Elect.), CCW, All India Radio, Thiruvananthapuram vide ord No.4/8/96-SII dated 19.9.1996 and she joined duty there on 14.10.1996. However, her seniority was maintained under the 3rd respondent, namely, the Executive Engineer (Elect.), CCW, All India Radio, Chennai because the 4th respondent comes under the said respondent. According to the applicant, she made a representation on 22.10.1996 to the 4th respondent stating that she was prepared to forego her seniority under Doordarshan Kendra, Kohima on her transfer to Kerala Zone. As her request was not accepted, she approached this Tribunal earlier vide O.A.No.535/07 and the same was disposed of vide Annexure A-2 order dated 24.8.2007 directing the 3rd respondent to consider her representation and dispose of the same and communicate the decision to her within a period of one month. Accordingly, the 2nd respondent has issued the impugned Annexure A-6 order stating that vide DDG (SR I&II) letter dated 18.2.2004 her request for seniority in Kerala Zone cannot be acceded to and that her seniority will continue to be maintained in Tamilnadu Zone only as the Sub Division in Thiruvananthapuram comes under the Electrical Division, Chennai. It has also been stated in the said



.3.

letter that as per the rules, the Government servant who opt for the inter-zonal transfer, has to forego the seniority and other transfer benefits and will be treated as the junior most of that Zone. Since Tamilnadu and Kerala fall in different zones, her transfer to Kerala can be considered only on inter zonal basis. Since the applicant has not given a proper request for the inter zonal transfer and the required undertaking till date, the 1st respondent which is the competent authority in the matter was not in a position to consider the same so far. In their reply statement also the respondents have submitted that the applicant has never made a request to the 1st respondent for her transfer from Tamilnadu zone to Kerala zone. The 2nd respondent vide letter dated 6.12.2007 has already informed her that for inter zonal transfer from Tamilnadu Circle to Kerala Circle she has to make a representation to the 1st respondent.

3. Counsel for the applicant has, however, invited our attention to Annexure A-5 representation dated 29.10.2007 addressed to the 4th respondent in which the applicant has reiterated that she was willing to forego her seniority under Doordarshan Kendra, Kohima and her claim was only to grant her benefits of seniority under Kerala with effect from 14.10.1996 ie., the date on which she joined the office of the Assistant Engineer (Elect.), AIR, Thiruvananthapuram.

4. We have heard learned counsel Shri.Rajesh R Pillai for the applicant and learned counsel Smt.Jisha on behalf of Shri.T.P.M.Ibrahim Khan,SCGSC for the respondents. It is seen that the applicant was



4.

transferred to the Sub Division (Electrical) Kerala under the Electrical Division, Chennai with effect from 14.10.2007 as the Electrical Division of CCW has no Division in Kerala. She is seeking an inter zonal transfer. The competent authority to consider such request for transfer is the 1st respondent. She has not made any representation to the 1st respondent so far. We, therefore, dispose of this O.A with a direction to the applicant to make a self contained representation to the 1st respondent through proper channel as per rules with necessary undertaking as required by the respondents in their Annexure A-6 letter dated 6.12.2007. We further direct that if such a representation is received, the 1st respondent shall consider the same and take appropriate decision under intimation to the applicant within a period of three months from the date of its receipt. The O.A is disposed of accordingly. There shall be no order as to costs.

(Dated this the 19th day of August 2009)


K.NOORJEHAN
ADMINISTRATIVE MEMBER

asp


GEORGE PARACKEN
JUDICIAL MEMBER