

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 24.1.90

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 338/89

G. R. Nair

Applicant

Vs.

1. The Director General, All India Radio, New Delhi
2. The Station Engineer, All India Radio, Trichur
3. Union of India represented by Secretary to Government of India Ministry of Broadcasting, New Delhi
4. Shri P. K. Krishnan, Head Clerk A.I.R., Trivandrum and
5. Shri S. Radhakrishna Pillai, Accountant, D.M.C. Cannanore (Doordarshan Maintenance Centre)

Respondents

M/s. M. R. Rajendran Nair & P.V. Asha

Counsel for the applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the Respondents 1-3

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The applicant who is working as a Senior Store Keeper, All India Radio, Trichur approached this Tribunal challenging Annexure-I order transferring him from Trichur to Cannanore as Accountant. According to the applicant he is permanently settled at Trichur and his children are studying at Trichur. He is an ailing person and hence his shifting from Trichur at present

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would cause inconvenience and it would be an injustice to him. It is only to continue at Trichur that he had declined the promotion. Accordingly he requested the respondents 1 & 2 to allow him to continue at the present place. He also filed representation Annexure V before the Director which according to the applicant has not yet been disposed of.

2. The respondents have filed a counter affidavit and stated that the applicant was continuing in Trichur for a long period and in the exigencies of service the transfer has been effected. The fourth respondent and the applicants were recruited together at Trichur in 1958 and 1956 respectively, but the fourth respondent was out of Trichur for about 20 years and he is about to retire. So a transfer of the applicant became necessary. But the applicant has his own reasons for continuing at Trichur.

3. However, we are not going ^{into} to the merits of the rival claims of the applicant and the fourth respondent in view of the fact that the representation of the applicant is now pending consideration before the Director, who is the first respondent in this case.

4. We think the interest of justice will be better served by disposing the application by directing the applicant to file a fresh representation before the first respondent stating all his grievances which are raised in this application within two weeks from today. If he files such a representation as directed in the judgment, the first respondent shall dispose of the same within a period of one month from the date of receipt of the representation after considering his

grievances and also after giving him an opportunity of being heard in the matter. He shall also serve a copy of the final order that may be passed by him on the above representation of the applicant. The respondents may allow the applicant to continue in the present post till such an order is served on him.

5. The O. A. is disposed of with the above direction.
6. There will be no order as to costs.

N. Dharmadan
(N. Dharmadan)
Judicial Member

24.1.90

S. P. Mukerji
(S. P. Mukerji)
Vice Chairman

24.1.90

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