

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 345 of 2010

Friday, this the 23rd day of April, 2010

CORAM:

Hon'ble Mr. George Paracken, Judicial Member

P. Krishna Kumar, S/o. M. Prabhakaran Nair,
aged 49 years, Assistant Surveyor of Works (Civil),
Civil Construction Wing, All India Radio & Doordarshan,
Kakkanad, Kochi-682037, Residing at Sreyas, APRA 35-A,
Pully Lane, Chackai, TVM-24,

..... **Applicant**

(By Advocate – Mr. Rajesh R. Pillai)

V e r s u s

1. The Prasar Bharti (Broadcasting Corporation of India),
Akashvani Bhavan, New Delhi, represented by its Director General.

2. The Chief Engineer, (Civil), Civil Construction Wing,
Civil Construction Wing, All India Radio, New Delhi.

3. The Executive Engineer (Civil), Civil Construction
Wing, All India Radio, Kakkanad,
Kochi-37.

Respondents

(By Advocate – Mr. Pradeep Krishna)

The application having been heard on 23.4.2010, the Tribunal on the
same day delivered the following:

O R D E R

The applicant is aggrieved by Annexure A-2 order by which he has
been transferred from ASW(C), CCW, AIR, Kochi to AE(C), CCW, AIR,
Port Blair against an existing vacancy. According to him, the aforesaid
order is against the transfer guidelines as the normal tenure at
Stations/offices categorized as 'A' and 'B' will be four years and at



stations/offices categorized as 'C' will be two years. Further, according to the transfer guidelines when the question of transfer is considered as a normal rule, the person with the longest continuous stay at the station irrespective of the rank held by him earlier, should ordinarily be transferred first. For this purpose, the service rendered at a station as a local recruit will not be taken into consideration on for determining the length of continuous stay at the Station. Also, the actual period of continuous service at the site of installation will be excluded for computation of continuous is more than ninety days in a calender year.

2. Learned counsel for the respondents opposed the aforesaid contention of the applicant and submitted that he was on deputation in Kerala Housing Society before 2008. However, on his request he was transferred to Kochi (Kakkanad) and now he is being transferred to AE(C), CCW, AIR, Port Blair against the existing vacancy on administrative ground.

3. I have considered the submissions made by the counsel for the parties. It is well settled law that the applicant has right to make a representation against the transfer and the respondents are required to consider the same and pass appropriate orders. The applicant in this case has approached this Tribunal before making such representation. He is, therefore, directed to make a representation to the competent authority within two weeks from today and the competent authority shall consider the same in accordance with the rule and law and dispose of the same under intimation to him as early as possible. Till such time, the operation of the



Annexure A-2 order in respect of the applicant shall remain stayed. If no representation is made within the aforesaid period of two weeks, the applicant shall stand relieved as per Annexure A-2 order.

4. With the aforesaid direction, the OA stands disposed of. No order as to costs.



(GEORGE PARACKEN)
JUDICIAL MEMBER

“SA”