

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 412/91
~~XXXXXX~~

100

DATE OF DECISION 1-4-1991

RN Pillai _____ Applicant (s)

(Party in person) _____ Advocate for the Applicant (s)

Versus
Union of India rep. by the
Secretary, Ministry of Informa-Respondent (s)
tion & Boardcasting, Shastri Bhavan,
New Delhi and others.

Mr NN Sugunapalan, SCGSC _____ Advocate for the Respondent (s) 1-3
Mr MR Rajendran Nair _____ -do- Respondent -4

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? >
3. Whether their Lordships wish to see the fair copy of the Judgement? >
4. To be circulated to all Benches of the Tribunal? >

JUDGEMENT

Shri NV Krishnan, A.M

The applicant is aggrieved by the fact that by the order dated 7.3.91 at Annexure-B, he has been transferred from the post of Station Director, AIR, Bhuj to the post of Station Director, AIR, Cannanore though he had requested for a posting on the same post as Calicut. He submits that he had never been with his family for the last 16 years as he had been posted outside in Assam and Gujarat and his wife was an employee of the Government of Kerala. As he has now only 18 months more to retire, he requested for a transfer to Calicut but he has been posted at Cannanore, where he has taken over charge.

2 The applicant has impleaded the 4th respondent ^{the} ^{u (Am. A)} who, by an order dated 6.3.91, has been transferred from the post of Station Director, Trivandrum to the similar post at Calicut. The applicant has, therefore, sought to quash the Annexure A order. He has, however, not sought that he be posted in her place, though that seems to be the intention of the applicant in filing this application. In the interest of justice, we proceed on that footing, as the applicant is not represented by counsel.

3 Respondents 1 to 3 have not filed any reply. Respondent 4 has filed a reply contending that the applicant is not entitled to any relief.

4 The Sr CGSC submitted that the 4th respondent is due to retire on 31.1.92 i.e., earlier than the applicant and Calicut being her native place, she had made a request for transfer to that place when an attempt was made to transfer her to Tirunelveli in November, 90. It is mainly for this reason that she (R-4), rather than the applicant, was posted to Calicut at her request. He further submitted that the Respondents 1 to 3 will therefore, have no objection to consider the applicant's case for transfer at his request from Cannanore to Calicut, when Respondent-4 vacates the post of Station Director, AIR, Calicut on superannuation.

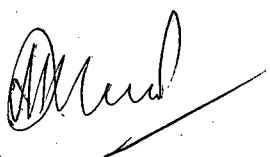
5 After hearing all parties it was agreed that this application can be disposed of straight-away by issue of a suitable directions and hence we proceed to do so.


6 No doubt, the applicant has been given considerable relief by being brought to his home State from Gujarat. However, he submits that Calicut is the place where his family is living since long as his wife is an employee of the State Government. This inconvenience cannot be ignored. Further, the standing instructions dated 3.4.86 of the Deptt. of Personnel & Training (Annexure-D) give guidelines for considering requests ^{u from} ~~for~~ spouses for posting at the same Station. However, we are of the view that despite the hardships he may have been put to so far, the applicant has not ^{out} made any case to quash the Annexure A order dated 6.3.91 giving the posting at Calicut to the 4th Respondent. Therefore, this application is liable to be dismissed in so far as this prayer is concerned. *We do so*

7 However, we are of the view that when the post of Station Director, AIR, Calicut falls vacant on the retirement of Respondent-4, the first and second respondents are obliged to consider sympathetically the request made by the applicant for transferring him to Calicut on the eve of his retirement, for the reasons given by him in this application, as also in keeping with the policy of the Union of India in this regard as mentioned in Annexure-D Circular - We direct them accordingly. We also permit the applicant to make a further detailed representation, ^u through proper channel, to the 2nd respondent before 30.9.91

pressing his claim for transfer to the post of Station Director, AIR, Calicut as and when the post is vacated by the 4th respondent.

8 The application is disposed of with the aforesaid directions. In the circumstances, the interim order staying the transfer of 4th respondent to Calicut is vacated.


(AV Haridasan)
Judicial Member


(NV Krishnan)
Administrative Member

1-4-1991

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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O. A. No. 412/91
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DATE OF DECISION 1-4-1991

for perusal
RN Pillai Applicant (s)

(Party in person) Advocate for the Applicant (s)

Versus

Union of India rep. by the Secretary, Ministry of Information & Broadcasting, Sastri Bhavan, New Delhi and others.

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (s) 1-3
Mr MR Rajendran Nair -do- Respondent - 4

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

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1. Whether Reporters of local papers may be allowed to see the Judgement?
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JUDGEMENT

Shri NV Krishnan, A.M

The applicant is aggrieved by the fact that by the order dated 7.3.91 at Annexure-B, he has been transferred from the post of Station Director, AIR, Bhuj to the post of Station Director, AIR, Cannanore though he had requested for a posting in Calicut. He was submitted that he had never been with his family for the last 16 years and now he has been posted outside in Assam or Tripura as he has only 18 months more to retire. He, therefore, requested for a transfer to Calicut though he has been posted at Cannanore where he has taken over charge.

on the same post of
and his wife was an employee of the Govt of Kerala.
as per
2 by order of H.A. now
he
but

2 The applicant has impleaded the 4th respondent who by an order dated 6.3.91 has been transferred from the post of Station Director, Trivandrum to the similar post at Calicut. The applicant has, therefore, sought to quash the Annexure A order.

~~3~~ ~~We have heard the learned counsel of both the parties. Respondent-4 has also filed a reply. It is~~

~~submitted~~ the 4th Respondent is due to retire on 31.1.92

~~I submit being his native place he had made a request for~~ i.e., earlier than the applicant, ~~and~~ it is mainly for ~~this reason that she (R-4), rather than the applicant,~~ ~~was posted to Calicut at her request.~~ ~~It is~~

~~6) Having heard the parties we are of the view~~

~~that no doubt, the applicant has been given consideration~~ ~~only by being brought to State from Gujarat. but he~~

~~submits that Calicut is the place where his family is~~ ~~living since long/cannot be ignored.~~ ~~However, we are~~

~~of the view that no case has been made out to quash~~ ~~the Annexure A order dated 6.3.91 giving the posting~~

~~at Calicut to the 4th Respondent. Therefore, this~~

~~prayer is made out in this application has to be dismissed.~~

~~7) However, we are of the view that when the vacancy~~

~~to the post of Station Director, AIR, Calicut/arises on~~

~~the retirement of Respondent-4, the 2nd respondent is~~

~~directed to consider, the request made by the applicant~~

~~for a posting at Calicut/sympathetically considering~~

~~the ground urged by him. We also permit the applicant~~

He has however not sought that he be posted to his place, though that seems to be the intention of the applicant in filing this application. In the interests of justice, we proceed on the footing, as the applicant is not opposed by Counsel.

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(A)

① for the matter.
② for the matter.
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⑩ for the matter.

3) Respondents 1 to 3 have not filed any
reply. Resp 4 has filed a reply
contending that the applicant is not
entitled to any relief.

4) The Senior Counsel Bant. (Name) ~~has~~
Counsel admitted that the ~~facts~~ (Tale la
A from page)
~~deponents~~

- The facts admitted that the Respondents
1 to 3 will ~~therefore~~ have no objection
to consider the applicants' case for transfer.
At his request, from Comptroller to Colicut.
when Resp 4, wants to put of other direction
or Colicut on suppression.

5) After seeing all parties it was agreed that
this application can be disposed of summarily
by issue of suitable directions & hence we
proceed to do so.

to make a ^{first} detailed representation through proper
channel to the 2nd respondent before 30.9.1991, pressing
his claim for ^{transfer to the post} ~~consideration to fill up the post of~~
Station Director, AIR, Calicut as and when ^{the post is vacated of the 1st respondent} ~~vacancies~~
~~arises there.~~

6 The application is disposed of with the aforesaid
directions. In the circumstances, the ^{order} ~~order~~ staying
the transfer of 4th respondent to Calicut is vacated.

(AV Haridasan)
Judicial Member

(NV Krishnan)
Administrative Member

1-4-1991