

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 412/91
KXXXXX

109

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 Information & Broadcasting, Shastri Bhavan,
New Delhi and others.

Mr NN Sugunapalan, SCGSC
Mr MR Rajendran Nair

Advocate for the Respondent (s) 1-3
-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 ⁴ (An. 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 ^{q out} have been put to so far, the applicant has not 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
1.4.91

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for peers

RN Pillai _____ Applicant (s)

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

Versus

Union of India rep. by the Respondent (s)
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& 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

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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 *on the same post of* a posting in Calicut. He was submitted that he had never been *as far* with his family for the last 16 years and now he has been *to Gujarat & As* now posted outside in Assam or Tripura as he has only 18 months *to* more to retire. He, therefore, requested for a transfer to *but* Calicut though he has been posted at Cannanore where he has taken over charge.

and his wife was an employee to the Govt of Kerala.

2 The applicant has impleaded the 4th respondent

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 ~~representative~~ / ~~counsel~~.

the per

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

Calicut being his native place he had made a request for i.e., earlier than the applicant ~~and it is mainly for~~ ~~change to~~ ~~post place~~ ~~when an~~ ~~more he~~ ~~transfer he has~~ ~~Timurveli in no. 70~~ this reason that she (R-4), rather than the applicant, ~~stamp was~~ ~~(X)~~ was posted to Calicut at her request.

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

No ~~that~~ ~~in~~ ~~consideration~~ ~~of~~ ~~his home~~ ~~However~~ ~~only~~ ~~by~~ ~~being~~ ~~brought~~ ~~to~~ ~~State~~ ~~from~~ ~~Gujarat~~ ~~but~~ ~~he~~

submits that Calicut is the place where his family is ~~as his wife is an employee of the state bank. This inconvenience~~ ~~(X)~~ ~~(X)~~ living since long/cannot be ignored. However, we are

~~, despite the hardships he may have been put to so far,~~ ~~of the view that no case has been made out to quash~~ ~~any~~ ~~the application~~ ~~He is liable~~ ~~in so far as the prayer is concerned.~~ ~~He is liable~~ ~~in so far as the prayer is concerned.~~ ~~He is liable~~ ~~in so far as the prayer is concerned.~~

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~~ ~~as no far as the prayer is concerned.~~

Q) However, we are of the view that when the ~~vacancy~~ ~~feels vacant~~

~~to the post of Station Director, AIR, Calicut, arises on~~ ~~first & second~~

~~the retirement of Respondent-4, the 2nd respondents is. are~~ ~~obliged~~ ~~sympathetically~~

~~directed to consider, the request made by the applicant~~ ~~transferring him to on the eve of his retirement.~~ ~~for appearing at Calicut/sympathetically considering~~ ~~the ground urged by him.~~ ~~We also permit the applicant~~

~~Q) their to direct accordingly. We further~~

~~Q) for the reasons given by him in the application is also in keeping~~ ~~..3~~

~~with the policy of the Union of India in this regard as~~

~~mentioned in the 3 circular. - We direct them accordingly.~~

3) Reparants 1 to 3 have not filed any
sepcy. Resp & hs filed a reply
contending that the application is not
entitled to any relief.

4) The Pennar Cenbore Bank (Mysore) ~~Bank~~
Cashed withdrawls ~~not the~~ (To be
defendants A sum forage)

- The facts mentioned that the Reparants
had 1 to 3 with them have no objection
to consider the applicants case for transfer
of his request from Commissioner to Collector
when Resp & voids to post of Adia district
A.R. Collector on superscription

5) Opp. being one party it was agreed that
this application can be disposed of straightforwardly
by issue of suitable directions & hence we
proceed to do so.

for the
to make a detailed representation through proper
channel to the 2nd respondent before 30.9.1991 pressing
border to the post
his claim for consideration to fill up the post of
~~the next vacancies~~
Station Director, AIR, Calicut as and when ~~vacancies~~
the post is vacated of the 4th respondent
arises ~~there~~.

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

(AV Haridasan)
Judicial Member

(NV Krishnan)
Administrative Member

1-4-1991