

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. 323/2009,

This, the 11th day of August, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Dr. A.K. Mishra, Member (A)**

Chandra Sen aged about 44 years son of Sri Toley Ram working as Senior Engineering Assistant, Doordarshan Relay Centre, Hardoi R/o Near Pihani Chungi, Hardoi.

Applicant

By Advocate: Sri A.Moin

VERSUS

1. Union of India through Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi.
2. Chief Executive Officer, Prasar Bharti (Broadcasting Corporation of India) New Delhi.
3. Chief Engineer (North Zone) Prasar Bharti (Broadcasting Corporation of India) Jamnagar House, Shahjahan Road, New Delhi.

Respondents.

By Advocate: Sri G.K.Singh

ORDER (ORAL)

By Hon'ble Ms.Sadhna Srivastava, Member (J)

The applicant has challenged the order dated 7th August, 2008 issued by Chief Engineer (NZ), Aakashwani and Doordarshan, New Delhi (Respondent No.3) (Contained as Annexure No. A-1), whereby the applicant, who is posted as Senior Engineer Assistant, Hardoi, has been transferred to the post of Senior Engineer Assistant, Hissar, Doordarshan Kendra.

2. The impugned order has been challenged mainly on the ground that applicant has been transferred prior to completion of his tenure at Hardoi, which is illegal. Secondly, the undue hardship has been caused on account of transfer from Hardoi to Hissar. Aggrieved by the aforesaid transfer order, the applicant has filed a representation dated 8.8.2009 before the respondent No. 3 which is still pending. It is submitted on behalf of the applicant that he is still holding the charge of Senior Engineer Assistant, Hardoi.

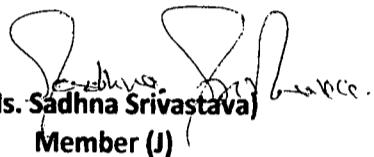
3. It is well settled law that the transfer is not only the incidence of service, but it is a condition of service. It is also well settled that the court in the case of transfer should normally not interfere unless malafide ^{is} alleged or violation of rules shown. In the instant O.A., the applicant has not alleged any malafide against the transferring authority. As regards the plea of the applicant that his old and ailing parents are residing with him at Hardoi and their medical treatment is going on, that his two children are studying in Class XI and the instant transfer in mid academic session would entail



there are

interruption of the studies of his children, Since it is his personal problem and it is settled law that personal inconvenience of the Govt. employee cannot come in the way of administration in transferring the employee in the administrative exigency. Since the applicant has already filed a representation before the competent authority for redressal of his grievance and the same is still pending, therefore, we are of the opinion that the O.A. can be disposed of at the admission stage itself by giving a direction to the respondents to consider the representation of the applicant. Accordingly, we direct the respondent No. 3 to consider the representation of the applicant filed at Annexure A-1 with reasoned and speaking order within a period of one month hereof. Till then the order dated 7.8.2008 shall remain stayed in respect of the applicant only. The O.A. is accordingly disposed of. No costs.


(Dr. A.K. Mishra)
Member (A)
HLS/-


(Ms. Sadhna Srivastava)
Member (J)