

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 305/2005

LUCKNOW, THIS THE 18th DAY OF JUNE 2005.

HON'BLE SHRI S.P. ARYA MEMBER (A)

Swatantra Singh aged about 35 years son of Sri Radhey Lal r/o -C/o Gauri Shanker Gupta H.No. 3/20/120 Naharbagh, District- Faizabad.

Applicant

By Advocate Shri Sanjay Srivastava

Versus

1. Union of India through its Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi.
2. Prasar Bharti through the Chief Executive Officer, PTI Building, Sansad Marg, New Delhi.
3. Director General Doordarshan, Mandi House, Copernicus Marg, New Delhi.

Respondents.

By Advocate: Sri Deepak Shukla for Sri Prashant kumar.

ORDER

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

1. The applicants seeks for quashing of the order dated 24.6.2005 transferring him from Faizabad to Muzzafarpur (Bihar) and also to direct the respondents to allow him to continue at Faizabad till the completion of the tenure as per rules.
2. Upon hearing the counsel for the parties, it is evident that applicant after joining All India Radio in 1994 has worked at several hard stations in North Eastern Region and thereafter though he has choice of Kanpur, he was posted at Faizabad where he

joined on 30.1.2003. It is contended that for Faizabad which is listed in category 'B' station, the normal tenure at such station as formulated in transfer policy is 4 years. The applicant has not completed 4 years at yet. It is also contended that education board would also change if the applicant changes the school of his ward on joining the Muzzafarpur. It is however found that the applicant's son is studying in Kanpur.

3. The applicant has been making representation for his posting at Kanpur after serving at hard stations. The applicant has been transferred instead ~~of~~ to Muzzafarpur. He has made a representation against this transfer order which has still not been responded to.

4. It is specifically stated by the counsel for the applicant that applicant has yet not been relieved.

5. Learned counsel for applicant states that applicant ~~would~~ having no difficulty to proceed ~~to any~~ ^{on} transfer ~~place~~ to any place after one year. The applicant may give such an undertaking to the Department along with the copy of the representation which may not be readily traceable in the office of respondent No.3, within 4 days

6. On perusal of the record and hearing the counsel for the parties, it is ~~found~~ expedient in the interest of justice to direct the respondent No.3 to decide the representation of the applicant taking into account the observations and ground stated in the said representation. The order in respect of the transfer of the applicant shall not be given effect to till the disposal of the representation. It is also provided that the applicant would be free to approach appropriate forum in accordance with law if his grievance still persists.

7. With the above directions O.A. is disposed of with no order as to costs.


(S.P. Arya)

Member (A)