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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

ORIGINAL APPLICATION NO.547/89.

Mary Johny,
R/at, 28/896,
C.G.Staff Quarters,
S.M. Plot, Antop Hill,
BOMBAY - 400 037.

.. Applicant.

V/s.

1. Union of India,
Ministry of Information and
Broadcasting, services to be
effected through Director,
Doordarshan Kendra, Bombay.
2. The Director General,
Doordarshan Kendra,
Mandi House, New Delhi
service to be effected
through Director, Doordarshan
Kendra, Bombay.
3. The Director,
Doordarshan Kendra, Bombay,
office at Worli, Bombay-18.
4. The Station Director,
Akashwani, Nagpur.
5. The Director General,
All India Radio, Akashwani
Bhawan, Parliament Street,
New Delhi - 110 001.
6. Ms. S.P. Karande,
Head Clerk, Doordarshan
Kendra, Worli, Bombay-18.

.. Respondents.

Coram : Hon'ble Member (A) Shri M.Y. Priolkar.
Hon'ble Member (J) Shri T.C. Reddy.

Appearances:-

None for the applicant
and Mr.A.I. Bhatkar for
Mr.M.I. Sethna, Counsel
for the respondents.

JUDGMENT:

DATED: 22-8-91,

PER : Hon'ble Shri T.C. Reddy, Member (J)

This is an application filed under section 19
of the Administrative Tribunals Act 1985 by the applicant.
In that application she has asked for many reliefs. As we
understand the grievance of the applicant seems to be her
transfer on promotion from the post of Clerk Gr.I Doordarshan,
Bombay to the post of Accountant/Senior Storekeeper, Nagpur,

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All India Radio.

2. Originally this application was listed for hearing on 29.6.1990. On 29.6.1990 Mr.Masand, Advocate for the applicant and Mr.M.I. Sethna, Counsel for the respondents were present and the O.A. was adjourned from 29.6.1990 to 28.9.1990.
3. On 28.9.1990 the matter was again adjourned to 25.1.1991 by the Deputy Registrar at the request of counsel for both sides (Applicant was represented by Mr.Masand and respondents by Mr.M.I. Sethna).
4. On 25.1.1991 neither the applicant was present nor her advocate was present. However, the respondents were represented by their advocate. As no Division Bench was functioning on 25.1.1991 the O.A. was adjourned to 11.6.1991.
5. On 11.6.1991, neither the applicant nor her advocate were present and the respondents were represented by Mr.A.I. Bhatkar. The Division Bench gave one more chance to the applicant and adjourned the O.A. to 29.7.1991.
6. On 29.7.1991 neither the applicant was present nor her advocate was present. We felt that the applicant was not at all serious in prosecuting the application. So we thought it fit to hear the counsel for the respondents and dispose of the matter. Accordingly we heard Mr.A.I. Bhatkar, Counsel for the respondents on 29.7.1991 and reserved judgment. Till today the applicant had not approached us by means of an application to re-open the OA and hear afresh the matter. Therefore we have decided this application today on merits, after considering the material before us.

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7. The facts giving rise to this application are within a narrow compass and briefly stated as follows:

8. At the relevant time the applicant herein was working as Clerk Grade-I in Door Darshan Kendra, Bombay. She was approved by the DPC for the post of Head Clerk/Accountant/Senior Storekeeper on regular basis. Accordingly the applicant was offered the post of Accountant/Senior Storekeeper at Nagpur.

9. The applicant though accepted the promotion, seems to be aggrieved as against her transfer to Nagpur. It is her case that she should have been on promotion posted in Bombay itself instead of transferring her to Nagpur.

10. The respondents have stoutly resisted the application of the applicant.

11. We have gone through carefully the application filed by the applicant. We do not see any malafides having been attributed to any of the respondents on her transfer on promotion to Nagpur. In the course of hearing this application, it became clear to us when the turn of the applicant came up for promotion, a vacancy existed in All India Radio Station at Nagpur and so the applicant had been offered the promotional post in the AIR Station at Nagpur. As could be seen the applicant had been nominated from the letter dated 3.5.1989 for promotion as Head Clerk/Accountant at Super Power Transmitter, Nagpur against resultant vacancy for which Shri G.D. Zadrao, Clerk Gr.I, High Power Transmitter, Malad was under orders of promotion who was nominated on 5.4.1989 but not accepted the said promotion till 2.5.1989. So the said nomination letter dated 3.5.1989 in respect of applicant was withdrawn vide letter No.1(7)/89-S dated 16.5.1989. In the meantime Shri G.D. Zadrao who was under

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the said orders of promotion at the said Super Power Transmitter, Nagpur ^{for the said promotion & sole applicant} intimated his acceptance) was considered for promotion as Head Clerk/Senior Accountant against the clear vacancy available as on 5.6.1989 at Nagpur and had been promoted and transferred to Nagpur.

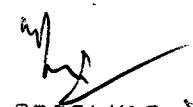
12. Under these circumstances it is not possible to infer malafides at all from the action of the respondents. Further we may point out that transfer is an incidence of service but not alteration in the condition of service ^{to the disadvantage}. That being the position with regard to transferable posts no Government employee has got a right to remain in a particular station or in a particular post. The applicant insisting that she should be given posting in Bombay alone on her promotion does not appear to be correct when no vacancy was available in Bombay.

13. The applicant had also challenged that her transfer to Nagpur is not passed by a competent authority. The learned advocate appearing for the respondents took us through the relevant recruitment rules as are amended. From the said rules it became clear that the Station Director of All India Radio, Bombay is the competent authority to effect promotion and transfer of the applicant. As a matter of fact this promotion and transfer had been effected by the Station Director of AIR Bombay. So we see no force in the contention of the applicant that her transfer from Bombay to Nagpur is not passed by a competent authority.

14. We see no merit in this application and hence this application is dismissed with no order as to costs.

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(T.C. REDDY)
MEMBER(J).

22/8/91


(M.Y. PRIOLKAR)
MEMBER(A).