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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  
~~in the said pyramid as the official and~~  
Transmitter, Nagpur 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  
~~public service~~ ~~adventure~~  
service but not alteration in the condition of service, 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.

T - Cl - m  
( T.C. REDDY )  
MEMBER(J).

22/8/91

M.Y. PRIOLKAR  
MEMBER(A).