

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:217/2000,249/2000 and 250/2000

DATE OF DECISION: 5.10.2000

Smt.S.S. Kulkarni and others. Applicant.

Shri A.I. Bhatkar Advocate for  
Applicant.

Versus

The Union of India and others. Respondents.

Shri S.S. Karkera for Shri P.M. Pradhan. Advocate for  
Respondents

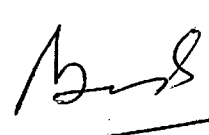
CORAM

Hon'ble Shri B.N.Bahadur Member(A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal?

(3) Library.

  
(B.N. BAHADUR)  
Member(A)

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MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No. 217/2000, 249/2000 and 250/2000

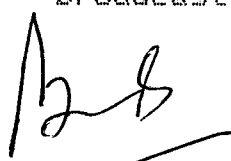
THURSDAY the 5th day of OCTOBER 2000

CORAM: Hon'ble Shri B.N. Bahadur, Member (A)

1. Smt. S.S.Kuklarni, UDC
  2. Shri A.G.Amberkar, UDC
  3. Smt. S.N. Hingonikar, LDC
  4. Shri P.S. Gade, LDC
  5. Kum. S.P. Karande, Head Clerk.
  6. Shri A.P. Karbhari, UDC
  7. Shri N.N. Hingonikar, LDC
  8. Shri M.R. Khatkul, LDC
  9. Kum. G.K. Paradkar, UDC
  10. Shri D.R. Shinde, UDC
  11. Shri P.K. Londhe, LDC
  12. Shri R.K. Gupta, LDC
  13. Shri S.J. Worlikar, UDC
  14. Shri M.A. Lambade, UDC
  15. Smt. S.G. Gawas, LDC
  16. Smt. S.P. Dey, LDC  
Doordarshan Kendra, Mumbai. ...Applicants in  
OA 217/2000
  1. Smt. A. Jyoti Navade  
Graphic Artist,  
Doordarshan Kendra, Mumbai. ...Applicant in  
OA 249/2000
  2. Smt. Sulabha V. Navghare,  
Graphic Artist,  
Doordarshan Kendra, Mumbai. ...Applicant in  
OA 250/2000
- By Advocate Shri A.I. Bhatkar.

V/s

1. Union of India through  
The Secretary,  
Government of India,  
Ministry of Information and  
Broadcasting, New Delhi.

  
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2. The Dy. Director (Admn.)  
Prasara Bharati (Broadcasting  
Corporation of India)  
Directorate General,  
Doordarshan Kendra,  
Doordarshan Bhavan,  
Mandi House, New Delhi.
3. The Station Director  
All India Radio, Mumbai.
4. The Director  
Doordarshan Kendra,  
Mumbai.
5. The Director,  
Government of India,  
Prasar Bharati.  
Door Darshan Kendra
5. The Director (Admn.)  
Prasar Bharati  
(Briadcasting Corporation  
of India)  
Directorate General,  
Doordarshan Bhavan.  
Coper Nicus Marg, New Delhi.

...Respondents.


By Advocate Shri S.S. Karkera for Shri P.M.Pradhan.

ORDER (ORAL)

(Per Shri B.N. Bahadur, Member (A))

I am taking up for hearing the three OAs, 217/2000, 249/2000 and 250/2000. Admittedly these OAs involve identical issues are covered by Madras Bench judgement in a batch of OAs decided on 25.8.2000. This Bench has also followed the Madras Bench judgement in disposal of OAs 425/2000, 434/2000, 443/2000 and 455/2000 on 7.9.2000. These OAs are being taken up at admission stage for disposal through this common order.

2. We have heard the learned counsel for both sides and it is admitted that these cases are squarely covered by the judgement of the Madras Bench rendered on 25.8.2000 in a batch of OAs.



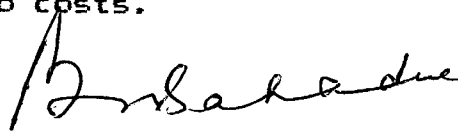
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3. Para 10 of the Madras Bench judgement is as below:

10. So looking at any angle and after going through the provisions of the Prasar Bharati Act, 1990, we do not think the Prasar Bharati Corporation has got the right to transfer the applicants as they have not yet become the employees of the Corporation. If they had become the employees of the Corporation, as on date, this Tribunal would have no jurisdiction over such matters. Since they are Central Government employees still, having not been absorbed in the Corporation in accordance with the procedure laid down under Section 11 of the Act, we are of the view that though they are getting salary from the Prasar Bharati, surely they cannot be transferred. We are aware this will cause the administration difficulties but we cannot help it. As the official respondent is moving slow and they have not yet finalised the policy with regard to taking over the employees of the All India Radio and Doordarshan in accordance with Section 11 of the Act, as we have already stated, at best they can be treated as deemed to be on deputation to the Prasar Bharati but have got a lien over the post in the Government service. In view of this conclusion with regard to the jurisdiction of the Prasar Bharati Corporation to transfer these applicants, we do not think it is necessary to enter into the merits of the individual cases of transfer.

3. In view of the decision above no further reason needs be recorded. These OAs are hereby disposed of with orders as below:

The orders impugned in these applications are hereby ordered to be set aside in so far as respective applicants are concerned. It is for the Government of India to take steps to rectify the anomaly. All the OAs are therefore allowed. It is open for the Government itself to make such orders of transfer as deem in its best statement and as per Rules. Accordingly the OAs are disposed of with no order as to costs.



(B.N. Bahadur)  
Member (A)

W.P. No. 6114/02, again (A)  
Order dt 05/10/2000, the  
petition can be disposed of  
with liberty to the Petitioner-  
U.O. 2. to issue appropriate  
transfer orders whenever they  
wish. The petition is disposed  
of by the H.C. on ch  
19/10/2005.

C18-28/12/05

28/12/05

Original H.C. letter No.  
D.D. (WP) 9401/05, in  
W.P. No. 6114/02, is returned  
to H.C. A.S. Gommy.

Q