

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 1 NOV 1994

APPLICATION NO: 1579/94

APPLICANTS:- Mr. A. G. Venkateswar
V/S.

RESPONDENTS:- Doordarshan, N. Delhi & another.

To

1. Shri P. A. Kulkarni, Advocate
No. 47, 11th floor, 57th 'A' cross
4th Block, Rajaji Nagar, Bangalore-560 010.
2. Shri M. V. Rao, Addl. C.G.S.C.
High Court Bldg, Bangalore-1.
3. Director General,
Doordarshan, Mandi House
Cylindrical Mary, New Delhi-110001

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 27th October 1994.

Issued on
11/11/94

of

Section Officer

CENTRAL ADMINISTRATIVE TRIBUNAL

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO. 1579/1994

DATED THIS THE TWENTYSEVENTH DAY OF OCTOBER, 1994

MR. V. RAMAKRISHNAN MEMBER (A)

MR. A.N. VUJJANARADHYA MEMBER (J)

Mr. A.G. Venkateswar
S/o. late Shri A.P. Govindaswamy
Aged about 44 years
OCCN: Cameraman (Gr.I)
Doordarshan Kendra
J.C. Nagar, Bangalore-560 006 Applicant

(By Mr. P.A. KULKARNI, ADVOCATE)

Vs.

1. Director General
Doordarshan, Mandi House
Copernicus Marg, New Delhi-1.

2. Director
Doordarshan Kendra
J.C. Nagar, Bangalore-560 006 ... Respondents

(By Mr. M.V. Rao, A.C.G.S.C.)

O R D E R

Mr. V. Ramakrishnan, Member(A)

We have heard both sides. The applicant in this case is aggrieved by the order of transfer from Bangalore to Ahmedabad issued by the Director General, Doordarshan, New Delhi, which is at Annexure-A1. This order is dated 8.8.1994 and involves a number of officials at the level of Cameraman Gr.I including the applicant. We find from this order that at sl.no.27 one Shri R. Subramanian is transferred from Ahmedabad to Bangalore and the applicant who is at sl.no.28 is transferred from



Bangalore to Ahmedabad. Subsequent to this order the applicant on 29.9.1994 submitted a request to the Director General, Doordarshan, New Delhi, through proper channel where he served a notice for voluntary retirement on the completion of 20 years of qualifying service which was to take effect from the F.N. of 1st February, 1995.

In view of this development he also requested the Director General to cause his retention at Doordarshan Kendra, Bangalore, itself.

2. We are now informed that the then Deputy Director General, Bangalore, who was also incharge of the Bangalore Doordarshan Kendra did not receive the request on the ground that the applicant had already been relieved of his duties from Bangalore on 24.9.1994.

Shri P.A. Kulkarni, counsel for the applicant tells us that the new Director, who took over subsequent to filing of this application also did not receive the representation on the same ground. Shri Subramanian who was to join at Bangalore, had not been relieved from Ahmedabad and as we were informed that he had also requested for stay of his transfer order, we had passed an interim order staying the transfer order of the applicant.

3. Shri M.V. Rao for the respondents forcefully resist the application and also wants that the stay order should be vacated. He relies on the Supreme Court judgement in the case of Gujarat State Electricity Board Vs. A.S. Boshani (AIR 1989 SC 1433) and also in the case of Union of India Vs. S.L. Abbas (1994 SCC L&S 230) which lays down the circumstances in which the transfer order can be interfered into. *will*

He also states that the grounds advanced by the applicant are not such as to warrant interference of the transfer order. Shri Rao also contends that Shri Subramanian who has been transferred to Bangalore is a necessary party and he has not been impleaded. Shri Rao further submits that the reference to Shri K.T. Rajasekhar at para - 6.5 of the application is not relevant as seniority is not a necessary criterion for effecting transfer and even otherwise Shri Rajasekhar has since been relieved on 30.9.1994.

4. We have enquired of Shri Rao as to the stand taken by the Director General, Doordarshan, Respondent no.1 (whom also the learned standing counsel represents) on the representation dated 29.9.1994 and as to whether any decision has been taken on the latest representation submitted by the applicant. Shri Rao submits that he is not aware as to whether this representation has been received by R-1, even though the applicant states that he has sent him an advance copy under certificate of posting.

5. We are conscious that we should not normally interfere in respect of transfer orders which are passed on grounds of administrative convenience. The representation from the applicant where he seeks voluntary retirement from service, however, is an important factor which deserves to be taken into account by the authorities. This representation dtd. 29.9.1994 has not been forwarded by respondent no.2 on the ground that the applicant had been relieved. In view of this, we direct Shri M.V. Rao to forward a copy of the representation which has been handed over.



to him to respondent no.1. It is possible that the advance copy of the representation has already reached him, by now. We are also informed by Shri Kulkarni that subsequent to the filing of this application, that is, on 11.10.1994, a note was received signed by the Chief producer, Doordarshan, Bangalore, where the applicant was requested to look after the programme 'Sutha Mutba' with immediate effect. However, there is a subsequent note issued by the same officer dated 19.10.1994 which supersedes the earlier note ^{dt} on 11.10.1994. Shri Rao says that the earlier note was issued by a person who was not authorised to do so. We are not aware as to the authority of the officer in this regard. But we record that there is a subsequent note dated 19.10.1994 by the same person which has superseded the earlier one. We are informed by Shri Kulkarni that Shri Subramanian has also made a request to the Director General, Doordarshan, that he should be allowed to stay on in Ahmedabad till May, 1995. Shri Kulkarni says that Shri Subramanian has sent a written communication to the Director General and he has forwarded to the applicant a copy of the same and he showed to us a copy of the letter from Shri Subramanian to the Director General, Doordarshan, on the basis of the copy sent to the applicant for his information by Shri Subramanian. Shri Subramanian requests in this letter that he may be relieved as soon as the academic year is over, that is, May, 1995. It is not clear from the order at Annexure-I as to which officer should move first. But from the fact that

Shri Subramanian figures at sl.no.27 and the applicant figures at sl.no.28, it is reasonable to ~~note~~ ^{desire} that Shri Subramanian will move first from Ahmedabad to Bangalore and then only the applicant was supposed to move from Bangalore to Ahmedabad. But in the meanwhile, the Doordarshan Kendra in Bangalore has relieved the applicant on 24.9.1994 without waiting for Shri Subramanian joining in Bangalore. At this stage, Shri Rao draws our attention to para-4 of the transfer order at Annexure-A1, where the heads of the Doordarshan Kendra were directed to relieve the concerned officers immediately without entertaining any representation against the transfer order. He contends that on the basis of this direction ^{the} applicant has been relieved at Bangalore. The local heads are not authorised to entertain any representation against the transfer. In view of this direction and as the official was relieved on 24.9.1994, the local Head in Bangalore seems to have concluded that he should not forward the representation of the applicant dated 29.9.1994.

6. In the light of the facts and circumstances

of the present case, we are of the view that the appropriate course of action would be for the Director General, Doordarshan to examine the representation dated 29.9.1994, a copy of which should be made available to him by the learned standing counsel who has been given a copy. Respondent no.1 should take a decision on the request for permission to voluntarily retire with effect from the F.N. of 1st February, 1995. As is made in terms of Rule 48A CCS(pension) Rule, acceptance by the appointing authority consider the other request.

the fact that the applicant had sought voluntary retirement under Rule 48A, his transfer to Doordarshan, Ahmedabad, may be reconsidered and the applicant may be retained at Bangalore itself. R-1 should take a decision in respect of both these requests within one month from the date of receipt of a copy of this order. Pending such a decision, the applicant shall be permitted to continue in Bangalore.

7. With the above observations, this application is finally disposed off. No costs.

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Sd-

(A.N. VUJJANARADHYA)
MEMBER(J)

Sd-

27/10/77
(V. RAMAKRISHNAN)
MEMBER(A)



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Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore