

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

OA 762/89

Date of Order: 6-7-1990.

S.Murali

...Applicant

Vs.

1. The Director General,
Doordarshan,
Doordarshan Bhavan,
Copernicus Marg,
NEW DELHI.
2. The Director,
Doordarshan Kendra,
Hyderabad.
3. P.H.Damodaran,
Film Editor,
Doordarshan Kendra,
Calcutta.
4. B.Singaravelu,
Film Editor,
Doordarshan Kendra,
Madras.
5. N.Jagannadha Raju,
Film Editor,
Doordarshan Kendra,
MADRAS.

...Respondents

Counsel for the Applicant : M/s C.Nageswar Rao
C.Srinivasa Rao

Counsel for the Respondents : Shri Naram Bhaskar Rao,
Addl.CGSC

CORAM

HON'BLE SHRI J.N.MURTHY : MEMBER (JUDICIAL)

HON'BLE SHRI R.BALASUBRAMANAIAN : MEMBER (A),

(Judgment of the Bench dictated by Hon'ble
Shri J.N.Murthy, Member (J)).

contd.../-

(34)

This is a petition filed for a relief to effect the transfer of the petitioner to Doordarshan Kendra, Madras from Doordarshan Kendra, Hyderabad by declaring the action of the Respondent No.1 in not considering the transfer of the applicant as arbitrary and illegal in violation of Article 14, 16 and 21 of the Constitution of India.

The contents of the application is briefly as follows :-

1. The applicant was initially posted at Rajkote Kendra after completion of his training at Pune. He made a representation to the authorities that his brother has undergone to Open Heart Surgery at ~~Vellore in Madras~~ Bangalore and he has ~~too~~ aged parents to look after and so requested to transfer him from Rajkote Kendra to Madras Kendra. But the respondents instead of posting him to Madras, transferred to Hyderabad Doordarshan Kendra. The applicant again represented on 14-10-87, 15-7-88, ~~14-12-88~~ and 25-5-89 reminding the authorities to consider his case for transfer to Madras Doordarshan Kendra. Inspite of the several representations, no action has been taken to transfer the applicant, but on 14-9-89 the impugned order transferring two persons from Calcutta and Delhi, the third and fourth respondents herein to Madras Doordarshan Kendra was issued.

- 3 -

It is further contended that when there were vacancies at Madras, the respondents could have considered the applicant's case for transfer and the applicant ought to have posted at Madras atleast on sympathetic consideration. ~~The respondent No.1 accepted the applicant's case and he~~ stated that he would be considered at an appropriate time in future. Applicant further states that the Respondent No.3 had not joined the duties in the Madras Doordharshan Kendra and there is still one more post of Film Editor is available, ~~for these reasons~~ this Tribunal applicant wants/to pass an order with a direction to the respondent No.1 to post him at Madras Doordharshan Kendra.

2. A counter has been filed on behalf of the respondents stating that the applicant was initially offered appointment at Bombay with liability to be transferred to any Doordarshan Kendra on 10-5-84 and it was clearly stated the "if the offer is acceptable on the terms and conditions mentioned, he should report for duty to the Director, Doordarshan Kendra, Bombay before 19-5-84 after which the offer will be treated as withdrawn." The applicant accordingly reported on 19-5-84 for duty as Film Editor at Bombay. After completion of his training, he was posted at Doordar-

(36)

- 4 -

shan Kendra, Rajkot as per programme requirements of the Kendra in the Public Interest. It is further submitted that the applicant's request dt.28-1-85 for transfer to Madras was considered in Directorate but due to non-availability of vacancy of FilmEditor at Madras, it could not be agreed to. However, on his subsequent request received in August, 1986 he was transferred to Hyderabad. On joining at Hyderabad, the applicant made his request for transfer to Madras which have also been considered from time to time and also along with respondents No.3 and 4 but it was not found possible to agree to the same due to administrative reasons. It is further stated that once applicant has been posted at a specific station of his choice on his own request he cannot go on representing for further changes, and he cannot claim as of right posting at any particular station. For these reasons, respondents pray that the application may be dismissed with costs.

3. We have heard the learned counsel for the applicant Shri C.Nageswar Rao and Shri N.Bhaskar Rao, learned standing counsel for the Central Government. The short point for consideration is whether the applicant can get the transfer as a right as claimed by him. When the applicant was working at Rajkot, he ~~had~~ represented on

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contd. 5.

- 5 -

to transfer him to Madras and he also given option for Hyderabad and Trivandrum, ~~after~~ after considering his case when there are no vacancies at Madras, he was posted to Hyderabad on his own choice. After joining at Hyderabad, he began to send ~~the~~ representations to the authorities requesting to transfer him to Madras. The respondents feel that it is not safe to post him at Madras on administrative grounds. So he ~~cannot be~~ ^{was not} posted at Madras, though he made representations to that effect. ~~It is for~~ [✓] the respondents to look into the administration, so they cannot oblige each and every person who ever wants transfers to the places where they like. One cannot interfere with the administration of the respondents, [✓] ~~if~~ ^{except} ~~in~~ ^{for} exceptional cases, they may consider to post the employees on request to the places suited to them. But herein this case there are no motives for the respondents to post him at Madras because at his request only applicant was posted at Hyderabad. It is not easy for the respondents to post him again at Madras. He may be considered in course of time, until then the applicant ~~had~~ no right to ask for transfer at a particular place without showing proper reasons. In the circumstances, we feel that there are

38

- 6 -

no merits to entertain the application. In the result, the application is dismissed. There will be no order as to costs.

M.S.

R.Balasubramanian

(J.NARASIMHA MURTHY)
Member (Judicial)

(R.BALASUBRAMANIAN)
Member (Administrative)

Dt. 6.7.90

By Subramanian 9/7/90
For DEPUTY REGISTRAR(J)

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TO:

1. The Director General, Doordarshan, Doordarshan Bhavan, Copernicus Marg, New Delhi.
2. The Director, Doordarshan Kendra, Hyderabad.
3. One copy to Mr.C.Nageshwar Rao, Advocate, 3-4-674/1, Narayanaguda, Hyderabad.29.
4. One copy to Mr.Naram Bhaskara Rao, Addl.CGSC,CAT,Hyderabad.
5. One copy to Hon'ble Mr.J.Narasimha Murthy:Member:(Jud1) CAT.,Hyderabad.
6. One copy to Hon'ble Mr.R.Balasubramanian:Member :(Admn.) CAT,Hyderabad.
7. One spare copy.

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