

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDRABAD BENCH : HYDERABAD

OA / TA / RA / CP / MA / ET 12/13 of 1997

..... P. Punnaiah Soma Applicant(s)

VERSUS

..... The Station Director, A.I.R., Respondent(s)
Hed & 3 on -

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders	—	1
Interim Orders	—	—
Orders in MA (s)	—	—
Orders in (Final Orders)	16.9.97	19-23

[Signature] 25/9/97

Signature of
(In Record Section)

Certified that the file is complete
in all respects.

Signature of S.O.

Part III and II

Destroyed

P-8x9
16/3/11

1

Central Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1213 of 1997.

P. Punnaiah Samma Applicant(s).

VERSUS.

The Station Director, A.R. Hyd. & 3rd
(Respondents).

Date	Office Note.	ORDER
<u>12-9-97</u>		List on as first case on Monday (12-9-97) before admissions. In/HRP M(A)
<u>15-9-97</u>		sss List it as first case for admission tomorrow i.e. on 16.9.97. In/HRP M(A)
<u>16.9.97</u>		OA is ordered with no cost vide orders on separate sheet. (C. tomorrow) HRRN M(A)

LM

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDEB

ORIGINAL APPLICATION NO. 1213 OF 1997.

P. Punnaiah Saing

(Applicants(s)

VERSUS.

Union of India, Repd. by.

Station Director, AIR,

Hyderabad 4305

Respondent(s).

The application has been submitted to the Tribunal by
Shri P.B. M. Jayaram Advocate/~~party in~~
~~person~~ Under Section 19 of the Administrative Tribunal
Act. 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on 12. 9. 97

12/9/97
Scrutiny Asst.

Amr
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed.
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done properly.
14. Has the declaration as required by item No. 7 of form. I been made.
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought for, arise out of single cause of action.
(b) Whether any interim relief is prayed for,
(c) In case an MA for condonation of delay is filed, it supported by an affidavit of the applicant.
17. Whether this cause be heard by single Bench.
18. Any other points.
19. Result of the Scrutiny with initial of the scrutiny clerk.

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

....

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Sl. No. 2879/97

Report in the Scrutiny of Application.

Presented by Mr. P. B. M. Jayaraman, ^{Adv} Date of Presentation.

Applicant(s) P. Purnamalya Saini 9.9.97

Respondent(s) Station Director, ATR, Hyd 4 303

Nature of grievance Transfer

No. of Applicants 1 No. of Respondents 4

CLASSIFICATION.

Subject Transfer (6) No Department Min. of Employment & Social Security (No. 100) copy

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). 74
2. Whether name description and address of all the parties been furnished in the cause title. 74
3. (a) Has the application been fully signed and verified. 74
(b) Has the copies been duly signed. 74
(c) Have sufficient number of copies of the application been filed. 74
4. Whether all the necessary parties are impleaded. 74
5. Whether English translation of documents in a language other than English or Hindi been filed. 74
6. Is the application on time, (See Section 21). 74
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. 74
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) 74
9. Is the application accompanied IPO/DD, for Rs.50/- 74
10. Has the impugned order's original, duly attested legible copy been filed. 74

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

I N D E X

O.A. NO. 1213 of 1997.

CAUSE FILE P. P. Sarma

V E R B U S

The Station Director, A2R, And 30th

SL.NO.	Description of documents	Page no.
1.	Original Application	1 to 5
2.	Material Papers	6 to 8
3.	Vakalat	1
4.	Objection sheet	—
5.	Spore Copies u. (four),	
6.	Covers u. A	

Send a direction to continue to applicant in Hyderabad
in my existing manner after checking from the impugned order
dt 21.8.87 by declaring it as illegal, arbitrary etc.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

Single

4B 19 8 1985 Oct 1985

O.A No. 1213 of 1997.

Transfer. (1)

Between:-

P. Punnaiah Sarma.

man of D & B. (22)
... Applicant.

A N D

Station Director,
AIR, Hyderabad and others.

GENERAL
... Respondents.

CHRONOLOGY OF EVENTS.

S. No.	Date.	Description.	Page No.
1.	21-8-97.	Impugned Order No. Hyd.1(5)/97-5, passed by the 1st respondent.	1.
2.	4-9-97.	Representation for his retention at Hyderabad made by the Applicant.	3.

Hyderabad.

8/9/1997.

Counsel for the Applicant.

Recd
9/9/97
R. N. R. Denny
an



APPENDIX - A

FORM-I
SEE RULE - IV
OF ADMINISTRATIVE TRIBUNAL (P) RULES

TITLE OF THE CASE.....O.A.NO...1213/97.....

INDEX TO MATERIAL PAPERS FILED:

S.No.	DATE	DESCRIPTION	ANNEXURE	PAGE
1.	--	Application		1 to 5
2.	21.8.97.	posting of Govt. metally retard d Cgildern given by the respondents directorate General.	A-I	6 & 7
3.	17.6.91	posting of Govt of Employees gi ven by the respondents.	A-II	8 & 9
4.	23.12.95.	Certigicate.	A-III	10.

SINGATURE OF THE APPLICANT'S ~~COUNSEL~~

Counsel for the applicant

For use in the Tribunal office:

Date of Filing:-

No. Of OA :

Registrar.

4

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

O.A.NO. 1213 OF 1997.

Between:

P. Punhalah Sarma, s/o Subbarayudu,
Hindu, aged about 53 years, Occupation
Accountant, CBS., AIR, Hyderabad.

.....Applicant.

Through his Counsel M/s P.B. VIJAYA KUMAR & V. DURGA RAO,
Advocates, A-9, Vijaya Pratap Apartments, Atchyutha Reddy
Marg, Vidyanagar, Hyderabad - 500 044.

AND

1. Station Director, All India Radio,
HYDERABAD.
2. P. Babu Rao, s/o not known, Occupation:
Accountant, All India Radio, ADILABAD.
3. The Station Director, Commercial Broad
casting Station, All India Radio,
HYDERABAD.
4. Director General, All India Radio,
NEW DELHI.

.....Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the Order against which the Application is made:-

The Applicant herein assails the Proceedings bearing
No.Hyd.1(5)/97-5, dated 21-08-1997 issued by the Station Director,
All India Radio, Hyderabad, in transferring the Applicant to AIR.,
Warangal, as accountant.

2. Jurisdiction:-

This Bench of Honourable Central Administrative Tribunal,
Hyderabad, alone has got jurisdiction since the applicant is working
in AIR (CBS), Hyderabad, as ~~prescribed~~ prescribed Under Section-14 of the
Central Administrative Tribunal Act, 1985.

3. Limitation:-

This Application is well within the period of Limitation
as prescribed under Section-21 of the Administrative Tribunal Act,
1985, since the impugned order is dated 21-08-1997.

P. Punhalah Sarma

4. Facts of the Case:-

(a). The applicant herein submits that he is working as Accountant in CBS, AIR, Hyderabad since 1989. He is now transferred to AIR, Warangal by the impugned order dated 21-8-1997. The unofficial respondent has been posted in place of the * Applicant and the Transfer Order has not been given effect to so far. The un-official Respondent has not reported and the applicant has not been relieved.

(b). The applicant further submits that there are ^{persons} ~~senior~~ ~~to him in this rank~~ with long standing are available at Hyderabad. They are Sri Ch. Purushottam Reddy, Sri G. Appa Rao, Smt. B. Lakshmiddevamma. They are not shifted. Further Smt. Subhashini for considered for local transfer. Thus persons with long standing remain untouched and the applicant is now moved out of Hyderabad.

(c) The applicant further submits that he is having an ailing mother aged 80 and a Mentally retorted son and both of them require constant Medical Aid at Hyderabad. His son who is Mentally Retorted is also a Patient of Epilisy and if the applicant is posted out there will be none at the house to take care of them and to attend Medical needs except his wife, who requires some male assistance. In this context it is pertinent to bring to the notice of this Hon'ble Tribunal, the Circular of the Central Govt. Dated 17/6/1991, whereunder the Department has to sympathetically consider the posting at the chocest place of the officials to enable them to avail the required medical services. Th said Circular may be read as part of this Application.

....3.

P. P. Reddy

d) Further, the applicant's wife is also a sick lady with problems of ~~sinus~~ B.P., Heart and also the issues connected with Gynic. It is also noticed that there is hear enlargement. Under these circumstances it is just and proper to consider his case for retention at this place. In this context he made a representation to the Station Director, All India Radio, on 4-9-1997 seeking his retention at Hyderabad. Further, there is another vacancy likely to arise at Doordarshan by the end of this Month due to the superannuation of the present incumbent. H craves consideration of his atleast against the said post. Pending consideration of his representation by the Authorities he may be relieved by the third respondent As such, this O.A. is being filed.

5. Legal Pleas:

a) The impugned orders of transfer is Arbitrary, illegal and in the contravention of the transfer policy of the Department, according to ~~the~~ which only the longest stayees have to be moved. For the facts mentioned supra, the impugned order is Arbitrary and discriminatory and the same is passed without taking into consideration the Circular dated 15-2-1991 of the Min. of Personnel, with regard to posting of Govt. Employees who have mentally retarded ~~children~~ Children.

b). The Department should have considered the case of the applicant atleast on sympathetic grounds by retaining him at Hyderabad in the present/future vacancies, instead of transferring him to an out station. Other legal grounds will be submitted at the time of hearing.

....4.

P. Perera

6. Details of remedies exhausted:-

The applicant submits that he made representation Dated 4-9-97 to the 1st Respondent and the same is pending. He is left with no other remedy except to approach this Hon'ble Tribunal.

7. Matters no previously filed or pending with any other Court:-

The applicant further declares that he has not previously filed any application, writ petitions, or suit regarding the same or similar relief nor any such proceedings are pending in any Court of Law, that is sought for in the this O.A.

8. Main Relief:-

In view of the above circumstances, it is, therefore, just and essential that this Honourable Tribunal may be pleased to declare the impugned Order dated 21-8-97 (No. Hyd. 1(5)/87-5 Dated 21-8-97) of the 1st Respondent as Arbitrary, illegal and contrary to the instructions of the Central Government and the Transfer Policy and while striking down the same in so far as this Applicant is concerned, direct the respondents No. 1 to continue the applicant in the existing place or in any other vacancy in the cadre at Hyderabad and pass such other order or orders as this Hon'ble Tribunal may deem fit just and necessary in the circumstances of the case.

9. Interim Relief:-

Pending disposal of the O.A. it is also just and necessary that this Hon'ble Tribunal may be pleased to stay the impugned order of transfer issued by the 1st Respondent herein under proceedings No. Hyd. 1(5)/97-5 Dated 31-8-1997 in so far as the Applicant is concerned and pass such other relief or reliefs as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case.

[Signature]

10. Particulars of the Post Order:

a). No. of the Postal Order. 81222489 Date:- 4/9/97
c). Name of the Post Office: (d) Amount: Rs. 50/-

11. List of enclosures:-

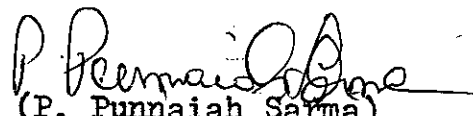
Vakalat, Material Papers, Postal Order, Covers, Pads, etc.


VERIFICATION

I, P. Punnaiah Sarma S/O. Subbarayudu, Hindu, aged 53 years, Occupation, Accountant, CBS, AIR, Hyderabad, do hereby verify that the contents of the above Paras are true and correct to the best of my knowledge, belief and legal advice and that I have not suppressed any material facts.

Hyderabad,

Dated 8/9/1997.


(P. Punnaiah Sarma)
Signature of the Applicant.


Counsel for the Applicant.

AI b (a)

CONFIDENTIAL
by regd. post.

GOVERNMENT OF INDIA
ALL INDIA RADIO HYDERABAD.

No. Hyd 1(5)/97-5

Dated August 21, 1997

ORDER NO. 4/97.

The following transfers in the cadre of Head Clerk Accountant/SSK working in the stations/Offices of All India Radio/Doordarshan in A.P. Zone are hereby ordered with immediate effect.

Sl No.	Name & Designation.	Transferred	
		from	to
1.	Sri P. Punnaiah Sarma.	CBS, AIR Hyderabad.	AIR Warangal
2.	Smt J. Subbashini.	CBS, AIR Hyderabad	DMC Hyderabad
3.	Smt. R; Vasantha Kokilam.	AIR Vijayawada.	CBS, AIR Hyderabad.
4.	Sri P. Babu Rao.	AIR, Adilabad.	CBS, AIR Hyderabad-✓

The Officials at Sl. No. 1, 3 & 4 are eligible for TA, DA and joining time as admissible under rules.

The Officials under orders of transfer as above may kindly be relieved immediately by the AIR/ DK Stations/ Officers concerned to enable them to report for duty at their place of posting shown against them at an early date.

Sd/- Kabir Ahmed
Station Director.

Copy to

1. The Officials concerned, through concerned Heads of Offices
2. The Station Director, CBS AIR Hyderabad for necessary action.
3. The Superintending Engineer, AIR Vijawada for necessary action.
4. Asst. Station Engr. AIR Adilabad for n.a.
5. Station Engineer, AIR, Warangal for na.
6. Station Engineer DMC, Ramanthapur, Hyd. for na.
7. The Chairman, ADASA AP Zone, Hyderabad.
8. Spare copies.

Sd/- Station Director.
// True Copy //

Ru.

Hyderabad,
4/9/1997.

To
The Station Director,
AIR, Hyderabad.

(Through Proper Channel).

Sub:- Request for retention at Hyderabad - Reg.

Sir,

I humbly place the following few lines for your kind consideration and favourable orders.

I have been transferred to All India Radio, Warangal, vide Order No. Hyd. 1(5)/97-5 Dated 21st Aug. 1997.

I request that I may be retained at Hyderabad by cancelling the said orders on considering the following lines,

My only son aged 25 years is a mentally retarded patient since 1972 and is also affected by Epilepsy. He is a continuous treatment for these diseases. On advice by Gadhi Hospital and CGHS Doctors, he is being from specialised treatment at NIMS. He has also undergone Spect test in connection with this. He requires continued specialised treatment which is available only at Hyderabad (Doctor Certificate is enclosed).

My old mother aged 80 years, is also a patient. She is unable to stand on her own and is to be bodily lifted by another person even to attend to natural calls. In view of the present condition of old age, it is very difficult to shift her from Hyderabad and in view of the same my physicoal help to her is also required daily.

It may not be out of place to mention herein that in obedience of transfer order issued by Station Director, AIR, Hyderabad I went on transfer to AIR, Adilabad which is a difficult Station in 1988.

In view of the difficulties expressed above and DG, AIR letter No. 7/3/91/SCRR Dated 17-6-91 endorsing O.M. No. A-5-14917/41/90 Estt. (RR) Dt. 15-2-1991 from Ministry of Personnel, Public Grievances and pension Dtp of personnel and Training (Copy enclosed)

I request that my case may be viewed sympathetically and retention effected on humanitarian consideration.

Thanking you in anticipation of favourable orders.

Yours faithfully,
Sd/- P. Punnaiah Sarma
...2

A 11 / 8

(14)

No.7/3/91/Scer
Government of India
DIRECTORATE GENERAL : ALL INDIA RADIO

New Delhi, Dt. 17/6/91

Sub:- Posting of Government Employees who have
mentally retarded Children.

A copy of the ministry of personnel, public Grievances and pensions, (Department of personnel & Training)'s O.M. No. AB-14017/41/90-Estt.(RR), dt. 15.2.91 on the above noted subject is forwarded herewith for information and necessary action.

Sd/-
(S. SHANKAR)
Section officer.

To

1. Heads of all stations/offices of AIR.
 2. All sections in the Directorate including P& D Unit, CCW and AR Units.
 3. All Recognised Unions/Associations of AIR.
 4. Spare copies -25.
-

Copy of ministry of personnel public Grievances and pensions,
Department of personnel and Training's O.M. No. AB-14017/41/90-Estt.
(RR), dated 15.2.1991.
Subject : As above.


The undersigne is directed say that there has been a demand that an employed parent of a mentally retarded child should be given posting at a place of his/her choice. This demand has been made on the plea that facilities of medical aid and education of such children are not available everywhere. Also looking after such children does require special care and patience and is expensive. Hence some concessions from the Government at least in matters of posting at a place of choice is called for.

: 2 :

2. The matter has been examined. Considering that the facilities for medical help and education of mentally retarded children may not be available at all stations, a choice in the place of posting is likely to be of some help to the parent in taking care of such a child. While administratively it may not be possible in all cases to ensure posting of such an employee at a place of his/her choice, ministries/ Departments are requested to take a sympathetic view on the merits of each case and accommodate such requests for posting to the extent possible.

Sd/-
(M.V. KESAVAN)
DIRECTOR.

// true copy //


A line is drawn through the signature.

A 111
10
13

C E R T I F I C A T E

Certified that master P. Ravi Subramanyam
s/o P. Punnaiah sarma working in commercial Broadcasting
Service, All India Radio, Hyderabad is suffering chronic
Disease like menti Record Epolipsy since 1972 onwards.
He is still going on treatment. His age is 23 years
as on date.

Dt. 23.12. 95.

Chief medical officer
Dispensary No. XIIV
Taranak , Secunderabad.

// true copy //

P. Ravi
(P. Ravi Subramanyam)
Case file no. 100/10000

(14)

BRIEF NOTE FOR ARGUMENT IN CAT CASE FILED BY SRI P.PUNNAIAH SHARMA, ACCOUNTANT IN CAT, HYDERABAD.

It is submitted that Sri P.Punnaiah Sharma, Accountant, Commercial Broadcasting Service, All India Radio, Hyderabad was transferred to AIR, Warangal vide order no.4/97-S dated 22-8-97 (Anexure-I) issued by the Station Director, All India Radio, Hyderabad as per the decision taken by the Joint Establishment Committee constituted by the Director General :All India Radio (Head of the Department) for the purpose of effecting transfers/postings in respect of administrative staff working at AIR/DDK stations of A.P.zone.

The Joint Establishment Committee consists of the following as members.

1. Station Director, All India Radio, Hyderabad. -- Member
2. Director, Doordarshan Kendra, Hyderabad. -- Member
3. Executive Engineer, Civil Construction Wing,
All India Radio, Hyderabad. -- Member

It is also submitted that the transfers are routine for government servants in course of their service after a certain period. The applicant was transferred from Commercial Broadcasting Service, AIR, Hyderabad to AIR, Warangal as per the Committee's decision.(Annexure-II).

It is also submitted that the Applicant Sri Sharma, Accountant, CBS, AIR, Hyderabad has been working since 1989 continuously at Hyderabad. He was transferred to Warangal in normal course as per the decision of Joint Establishment Committee and also taking into consideration his family background like his son's and mother's ill health, he was posted to the nearest place i.e. Warangal which is commutable distance from Hyderabad, with a view to avoid hardship and inconvenience for the Applicant.

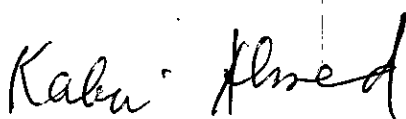
contd...2

The transfers in the cadre of Headclerk/Accountants working in AIR stations of A.P. zone are effected due to the recent promotions of some of the Headclerk/Accountants as Administrative Officers and also considering the request transfers of Headclerk/Accountants working at other stations to Hyderabad.

In regard to vacant post of Headclerk/Accountant going to occur at DDK, Hyderabad on 1-10-97 due to retirement of the incumbent, it is decided by the Joint Establishment Committee to promote Sri D.C. Gupta, UDC as Headclerk/Accountant at DDK, Hyderabad. Sri Sharma has submitted a representation dt. 6-9-97 to this office for his retention at Hyderabad on humanitarian grounds. His application has been considered carefully by this office and it is not found possible to concede to his request to retain him at CBS, Hyderabad or post him at DDK, Hyderabad in the vacancy to be occurred on 1-10-97. He is going to be intimated accordingly soon.

Further, it is also stated that the transfers are effected for a group of officials in the cadre of Headclerk/Accountant/SSK in AIR/DDK stations of A.P. zone in the interest of service and the applicant's transfer is not a lone case.

It the light of above and also due to the fact that the applicant is transferred only to the nearest place like AIR, Warangal from the present place of posting, there is no claim for him to retain him at Hyderabad. It is therefore prayed that the Hon'ble Tribunal may kindly consider all these and dismiss the O.A. at the admission stage itself as there is no case either on law or on facts.


 ६४ गद२५
 STATION DIRECTOR
 आर्यभट्टाजी, हैदराबाद
 All India Radio, Hyderabad

Two posts of Head Clerk/Accountant/ SSK have become vacant one each at DMC-Hyderabad and AIR-Warangal due to promotion of incumbants as Administrative Officer on ad-hoc basis vide DG:AIR Order No.1(8)/95-S.II(P1), dt.19.6.97.

In response to the circular dt.27.5.97 issued by this office Smt.V.Leelavathamma, UDC of AIR, Cuddapah has expressed her willingness for Ad-hoc appointment at AIR-Cuddapah and for AIR- Markapur no UDC has given willingness for ad-hoc appointment.

The total number of posts are four at present on ad-hoc basis.

1. AIR - Cuddapah - One
2. AIR - Markapur - One
3. DMC - Hyderabad - One
4. AIR - Warangal - One

Station Engineer, DMC, Hyderabad has sent a D.O. letter dt.25.6.97 requesting this office to fillup the vacant post of HC/Acct. occured due to promotion of the incumbant as Administrative Officer and relieved on 25.6.97.

Therefore we may fillup the four vacant posts of Head Clerk/Accountant on Ad-hoc basis by transfer/promotion from the eligibile candidates from select list of UDCs approved by DPC.

The select list of UDCs is placed on file.

The Roster points for four vacant posts:

- | | | |
|--------------|---|----|
| Point No. 35 | - | UR |
| Point No. 36 | - | SC |
| Point No. 37 | - | UR |
| Point No. 38 | - | UR |

Contd..21.

In order to fillup the vacancies of 15

HC/AC/SSK, It is proposed to consider the request transfer of long standing HC/AC/SSK at AIR/DDK stations in the zone. It is therefore proposed following transfers/promotions for approval for the vacancies as stated in pre-page:

Part - A (Transfers)

1. Sri Punnaiah Sarma, -- AIR, Warangal
ACC, CBS, AIR, Hyderabad
2. Smt. J. Subhashini, -- DMC, Hyderabad
CBS, AIR, Hyderabad.
3. Smt. R. Vasantha kokilam, -- CBS, AIR, Hyderabad
HC, AIR, Vijayawada
4. Sri P. Babu Rao, -- CBS, AIR, Hyderabad
AIR, Adilabad.

Part - B (Promotions on Ad-hoc basis)

1. Smt. G. S. Sarojini -- Nominated as HC/AC
UDC, AIR, Vijayawada at AIR, Vijayawada
2. Smt. L. Leelavathamma -- Nominated as HC/AC
UDC, AIR, Cuddapah at AIR, Cuddapah

Part - B (LDCs Promotions)

1. Smt. Vijayasri -- AIR, Vijayawada in
LDC, AIR, Vijayawada the resultant vacancy
Smt. G. S. Sarojini.

The vacant posts of HC/AC at AIR, Markapur and AIR, Adilabad will be filled up later on.

Sri D. C. Gupta, UDC, DDK, Hyderabad is being promoted as HC/AC at DDK, Hyderabad in the resultant vacancy of Smt. D. Bhanumathi, HC, DDK, Hyderabad due to retirement on 30.09.97,

It is also proposed to consider the long pending request transfer of Sri M. Kanakaraju, UDC, AIR, Warangal to AIR, Vijayawada in the resultant vacancy of UDC due to retirement of Shri S. Sivasankar Rao, UDC, AIR, Vijayawada on 28.2.98.

Put up for kind approval pl.

Kabu - Ahmed *[Signature]* R. V. - kabu *[Signature]* R. V. - kabu *[Signature]*
SD, AIR, HYD E. E. CCW, HYD DTC, DDK, HYD SD, AIR, HYD
30/7/97 30/7/97

(B)

CONFIDENTIAL
BY REGD. POST

GOVERNMENT OF INDIA
ALL INDIA RADIO : HYDERABAD

No. Hyd 1(5)/97-S

Date : August 21, 1997.

ORDER NO. 4/97

The following transfers in the cadre of Head Clerk/Accountant/SSK working in the stations/offices of All India Radio/Dooradarshan in A.P. Zone are hereby ordered with immediate effect.

S.No.	Name & Designation	Transferred	
		From	To
1.	Sri P. Punnaiah Sarma	CBS, AIR, Hyderabad	AIR, Warangal
2.	Smt. J. Subhashini	CBS, AIR, Hyderabad	DMC, Hyderabad
3.	Smt. R. Vasantha Kokilam	AIR, Vijayawada	CBS, AIR, Hyderabad
4.	Sri P. Babu Rao,	AIR, Adilabad	CBS, AIR, Hyderabad.

The officials at Sl. No. 1, 3 & 4 are eligible for TA, DA and Joining Time as admissible under rules.

The officials under orders of transfer as above may kindly be relieved immediately by the AIR/DDK stations/offices concerned to enable them to report for duty at their place of posting shown against them at an early date.

Kabir
(KABIR AHMED)
STATION DIRECTOR.

Copy to:

1. The officials concerned (through concerned Heads of Offices).
2. The Station Director, CBS, AIR, Hyderabad for necessary action.
3. Superintending Engineer, AIR, Vijayawada for necessary action.
4. Superintending Engineer, AIR, Guddapah, for necessary action.
5. Asst. Station Engineer, AIR, Adilabad for necessary action.
6. Station Engineer, AIR, Warangal for necessary action.
7. Station Engineer, DMC, Ramanthapur, Hyderabad for necessary action.
8. The Chairman, ADASA, A.P. Zone, Hyderabad
9. Spare Copies.

Kabir
STATION DIRECTOR.

8688

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1213/97

Date of Order: 16.9.97

BETWEEN :

P.Punnaiah Sarma

.. Applicant.

AND

1. Station Director, All India Radio,
Hyderabad.
2. P.Babu Rao, Accountant,
All India Radio, Hyderabad.
3. The Station Director, Commercial Broad
Casting Station, All India Radio,
Hyderabad.
4. Director General, All India Radio,
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.P.B.Vijaya Kumar

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.B.M.Patro for Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant who is an Accountant in CBS, All India Radio, Hyderabad is transferred to Warangal by the impugned order No. Hyd 1(5)/97-5, dated 21.8.97 (A-1). The applicant contend that his son is a mentally retarded child and hence he has to be retained at Hyderabad for attending to his child in view of the circular of the Department of Personnel and Public Grievances and

.. 2 ..

Pension dt. 15.12.91, that circular is at Annexure-2. In page-2 para-4 (b) of the OA the applicant submits that there are employees in his cadre who are serving in Hyderabad for the longer time than the applicant. He has quoted the names of the three employees in that para. He submits that instead of transferring the long serving employees at Hyderabad he is being discriminated and transferred out. The last contention of the applicant is that there is a post of Accountant vacant at Hyderabad and there is a proposal to promote an UDC on promotion against that post. Instead of transferring him to Warangal and promoting ^{another} an employee in his post, the employee who is under consideration for promotion may be posted to Warangal retaining him at Hyderabad. The applicant has submitted a representation dt. 4.9.97 (Page-7 to the OA). He has brought out all those contentions in his representation.

3. The learned counsel for the respondents submit that the fact that his child is a mentally retarded child has been taken into account while issuing transfer order. However in regard to the other two contentions made by the applicant ^{he needs to} ~~that~~ it has to be looked into.

4. In view of the above submission I feel that the applicant should be relieved from his present duties after his representation dated 4.9.97 is disposed of. As R-2 has already been posted vice him it would not be correct to pass an order to retain the applicant in his present post till the disposal of his representation. However the learned counsel for the respondents submitted that there would not be any problem if the applicant is retained in his present post ^{and for a short period} and R-2 ~~is~~ taken over ^{it is} only if ~~he~~ decided to transfer ^{the applicant} to Warangal.

5. In view of the above submission the following direction is given:-



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.. 3 ..

R-1 should dispose of the representation of the applicant dated 4.9.97 expeditiously. Till such time the above quoted representation is disposed of the applicant should be continued in his present post and should not be relieved to carryout the transfer in terms of the impugned transfer order.

6. The OA is ordered accordingly at the admission stage itself. No costs.



(R.RANGARAJAN)
Member (Admn.)

Dated : 16th September, 1997

(Dictated in Open Court) .

sd

Ambar
17-9-97
One

..2..

Copy to:

1. Station Director, All India Radio, Hyderabad.
2. Mr.P.Babu Rao, Accountant, All India Radio, Adilabad.
3. The Station Director, Commercial Broad Casting Station, All India Radio, Hyderabad.
4. Director General, All India Radio, New Delhi.
5. One copy to Mr.P.B.Vijaya Kumar, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

23/9/97
CC to tomorrow
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TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.R. GARGAN : M (A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
(M) (J)

Dated: 16/9/97

ORDER/JUDGEMENT

M.A./R.A/C.A.NO.

in

C.A.NO. 1213/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions
Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

