

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

QA.760/99

dt. 8.10.1999

Between

M. Sailaja Suman

: Applicant

and

1. Chief Executive Officer
Prasarabharati
Broadcasting Corpn. of India
Doordarshan, Mandi House
New Delhi

2. Dy. Director (Admn.)
Prasarabharati, Broadcasting
Corpn. of India, Doordarshan
Mandi House, New Delhi

3. Director
Doordarshan Kendra
Ramanthapur, Hyderabad 13

: Respondents

Counsel for the applicant

: J. Sudheer, Advocate

Counsel for the respondents

: B. Narasimha Sharma
Sr. CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Jddl)

JL

OA.760/99

dated:

Order

Order (per Hon. Mr. B.S. Jai Parameshwar, Member(J))

Heard Mr. J. Sudhir, learned counsel for the applicant and Mr. M.C. Jacob for Mr. B.Narasimha Sharma, learned counsel for the respondents.

1. While the applicant was working as Producer Grade II at the Doordarshan Kendra (DDK) Hyderabad, Respondent No.2 by his proceedings dated 24.4.94 promoted her to JTS of IB(P) Service on adhoc basis and posted as Assistant Station Director in the same place. The applicant reported for duties with effect from 24.4.94.
2. The applicant submits that while she was working as such the Indian Broadcasting (Programme) service Rules, 1990 (in short "the rules") came in to force. The service rules are applicable to the personnel attached to Doordarshan and the AIR. She submits that she was promoted to JTS without following the seniority or without seeking options prior to her adhoc promotion to the JTS cadre. Even there were adhoc promotions to the said cadre in the year 1993. For the purpose of regularization of their service options were invited from JTS officers either to work in AIR or in Doordarshan.
3. She submits that the personnel attached to AIR being the seniors gave their willingness to mover over to Doordarshan and such of those officers of the AIR were accommodated in Doordarshan. As a result the posts in the cadre of JTS, Doordarshan, became reduced. This was resented to by the personnel of Doordarshan.
4. Further the applicant along with the others approached Hon. High Court of Calcutta in CO.14733(w)/92. As per the interim order of the Hon. High Court, on application dated 31.7.95 the respondents invited options from the officers working in the JTS Cadre. The applicant submits to have given her option expressing her willingness to remain in the Doordarshan.



5. By proceedings dated 8.11.95 the applicant was promoted as JTS Officer on regular basis. In the said list of promotions, the ad hoc promotees of 1993 batch, 1994 batch, and some other officials from the cadre of Producers Grade II were also included. As per her option she was continued at Doordarshan Kendra, Hyderabad.
6. The applicant was transferred to Lucknow during August, 96. However, by proceedings dated 31.12.87 she was transferred with post back to Hyderabad. She reported for duty at Doordarshan Kendra, Hyderabad with effect from 5.1.98.
7. By proceedings dated 9.9.98 the respondent No.2 again invited options from the officers of the JTS cadres. The applicant gave her option to work in the Doordarshan.
8. By proceedings dated 31.3.99 the applicant was once again promoted to JTS Cadre on ad hoc basis and was posted as such to Bhopal, Madhya Pradesh. The applicant submits that she was regularized in JTS cadre in 1995.
9. She submits that where a person who had been promoted was again promoted on adhoc basis and this phenomenon was a strange phenomenon. The applicant was due for promotion to the next higher cadre. All these illegalities were committed by the respondents only with a view to accommodate the personnel of the AIR. She submits that by proceedings dated 31.12.97 she was transferred back to Hyderabad along with the post from Lucknow and hence she could not have been transferred to Bhopal by the impugned proceedings dated 31.3.99.
10. Further she submits that she has personal inconvenience to go to Bhopal. Her submission is that her husband is abroad, that her daughter is studying in X class and son in VII class, and that she has old and aged in-laws to look-after.
11. Against the impugned transfer order dated 31.3.99 the applicant submitted a representation dated 1.4.99.
12. At that time she approached this Tribunal in OA.597/99. The said OA was disposed of on 19.4.99 directing the respondents to consider her representation



taking into account the grievances projected by her and to pass appropriate order within a month and to continue the applicant at Hyderabad till then. The applicant submitted another representation dated 3.5.99 enclosing a copy of the order in OA.597/99. It is her grievance that Respondent No.3 had not submitted this subsequent representation to the Respondent No.1.

13. She submits that no one has been posted in her place at DDK, Hyderabad and that no inconvenience will be caused to the Department in case she is continued in the same post.

14. As per the directions given in OA.597/99 the respondents considered the representation of the applicant by proceedings dated 14.5.99 and 18.5.99.

15. The respondents rejected the case of the applicant for retaining her at Hyderabad due to administrative exigencies.

16. She submits that she had come over to Hyderabad only in January 98 and that her postings to Bhopal by the impugned order dated 31.3.99 is premature. She has cited instances where some personnel in the doordarshan have been allowed to continue in the same place for over 20 years. She submits that her promotion on adhoc basis and posting her to Bhopal by the impugned order dated 31.3.99 exhibits hostile attitude by the respondents.

17. Hence she has filed this OA for the following reliefs:

To call for records pertaining to proceedings contained in No.A.32013/1/96/S-III(Vol.iv), dated 31.3.99, issued by the respondent No.2 herein and consequential proceedings contained in No.12(17)99 AI/TVM dated 5.4.99 issued by the Respondent No.3 herein and consequential proceedings of Respondent No.2 dated 14.5.99 and Respondent No.3 dated 18.5.99 and set them aside in so far as the applicant herein is concerned as bad, illegal, arbitrary, discriminatory, unconstitutional, opposed to the Principles of Natural Justice and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents herein to retain and continue the applicant herein as



regular Junior Time Scale Officer in the Doordarshan Kendra, Hyderabad, by treating the applicant herein as Junior Time Scale Officer with effect from her regular promotion as such with all consequential benefits and attendant benefits.

18. On 19.5.99 an interim order was passed directing the respondents to keep the impugned order of transfer dated 31.3.99 in abeyance till 8.6.99. On 8.6.99 the said interim order was continued until further orders.

19. The respondents have filed a reply dated 10.7.99 on 27.7.99, additional reply on 3.9.99 and additional affidavit on 15.9.99.

20. The respondents have filed a reply stating that Indian Broadcasting (Programme) Service Rules, 1990 (in short "the rules") came into force with effect from 5.11.90. That under the said rules, the following distinct special cadres were created.

- i) Programme Management Cadre of All India Radio,
- ii) Programme Management Cadre of Doordarshan,
- iii) Programme Production Cadre of All India radio and
- iv) Programme Production Cadre of Doordarshan.

21. That as per the rules Supervisors Grade II in the AIR and Doordarshan formed a common feeder category for promotion to Programme Production Cadres of the AIR and Doordarshan in JTS cadre. That a duly constituted DPC has to assess the suitability of the officers in the feeder cadre for promotion to JTS and prepare year wise panel for promotion to Programme Production Cadres of AIR and Doordarshan. That the DPC has to allocate officers to particular medium from the feeder category. That officers from one medium have to be adjusted to against the vacancies of the other medium keeping in view their options, the vacancy position coupled with grading in a particular year of the vacancy. That once the officers are allocated to a particular medium their seniority will be in that particular medium and cadre and they will not be considered against the vacancies of their erstwhile medium or cadre. As per the recruitment rules, options have to



be obtained from all the officers who come within the zone of consideration for promotion to JTS. That accordingly, the options were obtained from the officers spread all over India and a proposal to convene a regular DPC was sent to the Union Public Service Commission. That there was some delay in convening the regular DPC due to administrative reasons and hence certain officers were promoted to JTS on adhoc basis during the years 1993-94 for the smooth functioning of both the All India Radio and Doordarshan. That the process of convening a regular DPC was in a final stage and that a regular panel would be available shortly. That in this background it was decided to continue the official in JTS Cadre in the same medium even after their adhoc promotion with a view to avoid repeated shifting, transferring in the interests of officers as well as in the interests of smooth functioning of the media that the DPC panel became available in 1995, that the officers were promoted on regular basis depending upon their allocation by the regular DPC, that the DPC has the discretion to allocate officers from one medium to another medium in accordance with the recruitment rules. That some of the officers in the doordarshan were allocated by the regular DPC to the AIR in accordance with the recruitment rules. That such of those officers who were allocated to the AIR approached the Hon. High Court of Calcutta and the Hon. High Court passed interim order on application dated 31.7.95.

22. That some of the officers who were allocated to the AIR in pursuance of the interim order of the Hon.High Court expressed their unwillingness to be allocated to the AIR. That their promotion orders were not enforced. That the ad-hoc promotions stood automatically lapsed on the expiry of the period of one year. That the claim of the applicant that she continued to hold the post in the JTS cadre is without the approval or order of the competent authority. That promotion of the applicant to the JTS cadre by order dated 8.11.95 was cancelled by order dated 15.2.99.

23. That after 1995, the DPC could not be convened because of the methods of allocation i.e. either by selection or non selection is pending adjudication before the

Hon. Supreme Court. That therefore the DPC could not be convened after 1995. Hence, it became necessary to make adhoc promotion in the year 1999 for a period of one year or till regular incumbent became available. Accordingly the case of the applicant was considered for adhoc promotion and she was promoted by ^{the} impugned order dated 31.3.99 and posted to DDK, Bhopal.

24. That she was ~~not~~ retained in the doordarshan as per her willingness to remain in the doordarshan. That the DPC held in 1995 duly considered options and allocations as well as availability of the vacancies.

25. That the applicant was infact relieved from Hyderabad by 30.8.96 and joined at Lucknow on 12.9.96. That thereafter the applicant proceeded on leave from 18.9.96 at Lucknow. That the applicant remained only for a short period of six days at Lucknow and got herself transferred to Hyderabad on her own request. As such the respondents have shown a lot of compassion in the matter of her posting to Hyderabad. That whenever the applicant was transferred out of Hyderabad she preferred to bring pressure through various channels. That the organization cannot afford to have permanent posting for the applicant at Hyderabad. That the applicant could herself have realized that post of JTS cadre carried all India transfer liability ~~that~~ ^{and} the same is required in the public interest ^{also} to acquire experience and to enable her to shoulder the higher responsibilities.

26. That her posting to Bhopal is in the interests of Public service and administrative exigencies. That no discrimination or privilege can be shown to any officer. That delay in operation of transfer may affect smooth functioning of the DDK, Bhopal. That the applicant never held a regular post in JTS cadre. That the applicant since expressed her unwillingness to work in the AIR in accordance with the promotion order dated 8.11.95 her promotion to the JTS cadre on regular basis was cancelled by order dated 15.2.99. That the applicant has not made out any case for her retention at Hyderabad and that the OA be dismissed. The applicant in her rejoinder tried to make out a case that the respondents had acted in a prejudicial manner in cancelling her promotion by order dated 15.2.99. That order dated

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15.2.99 was not served on her. That even before cancelling the promotion order dated 8.11.95 the respondents had not given her chance to explain. That they had not indicated in the transfer order that those officers who expressed their unwillingness to work in AIR would face cancellation of their promotion to JTS cadre. That the respondent authorities are expected to take into consideration her personal problems while effecting the transfer. That the respondent authorities had prejudicially considered her representation dated 1.4.99. That the applicant has cited instances in her rejoinder wherein certain officials have been allowed to work in Hyderabad for long. She has cited instances of the officers / officials who have been allowed to work in Hyderabad continuously for the last twenty years and that her transfer to Bhopal by the impugned order is not in the public interest. She has enclosed the IB (Programme) Service rules, 1990.

27. In the additional reply filed by the respondents they have attempted to explain the circumstances under which certain officers were allowed to continue in doordarshan Kendra , Hyderabad. They have stated that the applicant in OA.863/99 is under orders of transfer. They have stated that certain other officers whom the applicant made reference in the rejoinder do not belong to JTS cadre and are belonging to Group B and C services and hence the applicant cannot compare herself with those Group B and C employees.

28. In the additional affidavit filed on 15.9.99 the respondents have stated that the distribution of posts under different cadres in accordance with the Recruitment rules was made by the DG, New Delhi in OM dated 13.5.96 (Annex.R-1). Accordingly, the sanctioned strength of JTS posts (Asstt. Station Director) at Doordarshan Kendra, Hyderabad is 4 where as the positioned JTS officers working in Doordarshan Kendra, Hyderabad is 6 and hence on that count also the transfer of the applicant to Bhopal has become inevitable.

28. After considering the various averments made by the parties in their application, rejoinder, additional affidavits and additional reply and after hearing the learned counsel for the parties the following points arise for our consideration:-



- a) Whether the applicant's promotion on adhoc basis by the impugned order dated 31.3.99 is irregular on the basis of her earlier promotion to the JTS cadre on regular basis by promotion order dated. 8.11.95?
 - b) Whether the applicant's transfer to ~~Bhopal, M.P. is in the~~ administrative exigencies?
 - c) Whether the impugned transfer of the applicant is liable to be interfered with?
 - d) To what order?
29. Our findings:-
- a) No.
 - b) No.
 - c) No.
 - d) As under.

REASONS

30. It appears that according to the Indian Broadcasting (Programme) Service Rules, the feeder category for the JTS cadre is common from among the Supervisors Gr.II working in the AIR and in the doordarshan. Some of the officers working in the AIR expressed their willingness to move over to doordarshan and they were accommodated. This caused resentment in the officers of JTS cadre in the doordarshan. Some of the officers working in the doordarshan were against accommodating officers attached to the AIR. They approached the Hon. High Court of Calcutta in CO.14733/W/.1992. The Hon. High Court has passed an interim order which reads as follows :

"Upon hearing the submissions made on behalf of the parties it is ordered that persons who have opted for promotions shall be able to utilise the opportunity for promotion in terms of the general order, as contained in the Annexure 'A'. In the event there is any objection from any person to the same then and in that event the doordarshan authority will not give effect to the same in so far as the person raising such objection is concerned. It is clarified that objections out to come from individual persons and not from the Unions as such. Be it, however, clarified that these promotional opportunities and these objections shall be subject to further orders of this Court and shall be without prejudice to the rights and contentions of the parties. Seniority position, however, shall not be affected in any way and will be subject to further orders of this Court."



31. During the year 1993-94 certain officers in the feeders category were promoted to JTS cadre on adhoc basis. Likewise the applicant was also promoted to the JTS cadre on adhoc basis in the year 1994.

32. On 8.11.95 the adhoc promotion of the applicant and others were regularized and were promoted to the JTS cadre on regular basis and certain officers working in the doordarshan were allocated to work in the AIR. The applicant herein was allocated to work in AIR.

33. As a result of the interim order passed by Hon. High Court of Calcutta options were called for from the officers who were promoted from JTS cadre by order dated 8.11.95. Accordingly, the applicant herein expressed her willingness to work in the Doordarshan. She was allowed to continue in the JTS cadre on adhoc basis in Doordarshan. That means to say that the respondents had not compelled any of the officers who were promoted to JTS cadre by promotion order dated 8.11.95 and who expressed willing to continue in Doordarshan to carry out the promotion.

34. The respondents submit that the DPC has the discretion to allocate an officer of a particular medium to any other medium. Thus it is their contention that the DPC convened in 1995 as a result of which promotion order dated 8.11.95 was issued and certain officers were allocated and transferred to the AIR. They further submit that the discretion exercised by the DPC is irrevocable and as per the rules 1990.

35. It may be noted that earlier promotion order of the applicant dated 8.11.95 came to be cancelled by order dated 15.2.99. As per the promotion order the applicant was called upon to express her willingness to move over to AIR. Evidently the applicant had not expressed her willingness to move over to the AIR and had expressed her willingness to continue in Doordarshan.

36. Since the matter was pending before the Hon. High Court of Calcutta the respondents had not taken any action after the applicant expressed her willingness to continue in the doordarshan and about the promotion order dated 8.11.95. Even



though the applicant was promoted by the order dated 8.11.95 to JTS cadre she had not expressed her willingness to move to AIR and to enable the respondents to indicate further posting of the applicant in the AIR wing. Thus her adhoc promotion was continued till 14.2.99. The applicant herself submits that her adhoc promotion to JTS cadre was not on the basis of seniority or not in accordance with rules. When that is so and when the matter was pending before the Hon. High Court of Calcutta they continued the applicant in the adhoc promotion. This continuance does not confer any right on the applicant to claim the JTS post on regular basis. She was posted to AIR Wing by promotion order dated 8.11.95. The promotion ordered by order dated 8.11.95 was on a regular basis to JTS cadre. This promotion on regular basis depended further upon the option to be exercised by the applicant. The applicant by promotion order was posted to AIR. She had not expressed her willingness to move over to AIR. When that is so, the promotion order dated 8.11.95 remained a paper promotion.

37. After deliberations and consulting with the Ministry of Law and Justice the respondent authorities thought it fit to cancel the promotion of those officers who were posted to the AIR wing and who had expressed their willingness to remain in doordarshan. Thus order dated 15.2.99 was issued.

38. In this view of the matter we feel that the cancellation of the promotion of the applicant by order dated 15.2.99 was only due to the fact that the applicant had expressed her willingness to continue in Doordarshan.

39. The learned counsel for the Applicant contended that the order dated 15.2.99 canceling the promotion of the Applicant on regular basis to the JTS cadre is against the interim order passed by the Hon. High Court of Calcutta and that the respondents should not have cancelled her regular promotion. Further he submitted that after canceling the regular promotion by order dated 15.2.99, the Applicant was considered for promotion on ad hoc basis to JTS cadre and posted to Doordarshan Kendra, Bhopal.



40 It is now to be seen whether the contention of the Applicant can be accepted or not. The respondents have submitted in their reply that immediately after the regular promotion order dated 8.11.1995 was issued, the applicant herein gave option expressing her willing ness to remain in the Doordarshan and accordingly as the matter was pending before the Hon. High Court, they allowed the applicant to continue in the same post. That means, the applicant was allowed to work as Assistant Station Director, Doordarshan Kendra, Hyderabad, to which post she was promoted on ad hoc basis in view of her promotion earlier to 8.11.95. The respondents thus allowed the applicant to work as Asstt. Station Director, DDK, Hyderabad from 8.11.1995 to 14.2.1999. During this period the applicant appears to have not bothered to know what fate her promotion order dated 8.11.1995 met. It is not her case that the promotion order was implemented. She cannot contend so, because, she was promoted and posted to the AIR wing. During this period she had not approached any judicial forum for non implementation of the promotion order dated 8.11.1995 nor she represented to the competent authority to implement the order dated 8.11.95. Subsequent to this order she had opted to remain in the Doordarshan. The respondents have stated that subsequently they discussed and consulted the Law Ministry and took decision to cancel the promotion of those officers who expressed their un-willingness to move to the AIR and those officers who expressed their willingness to continue in the Doordarshan. Thus they submit that the order dated 15.2.99 canceling the promotion of those officers to JTS cadre on regular basis was however, issued subject to the outcome of the WP. The respondents in their reply justified their action in canceling the promotion of the applicant by order dated 15.2.1999. They submit that the seniority of the applicant will be decided in accordance with the result of the writ petition. This aspect has not been traversed by the applicant in her rejoinder.

41. It is not within our province to decide whether the cancellation order dated 15.2.99 infringes the interim directions issued by the Hon. High Court of Calcutta.

If the applicant feels that the said order infringes the interim directions given by



the Hon. High Court of Calcutta she may approach the Hon. High Court of Calcutta for necessary relief. So far as we are concerned we feel that the respondents were justified in taking a decision, though belatedly on 15.2.99. It is their clear stand that they cancelled even subject to the outcome of writ petition pending before the Hon. High Court of Calcutta. When that is so in our humble view it may not be proper for us to accept the contention of the learned counsel for the applicant that the cancellation order dated 15.2.99 infringes the interim direction of the Hon. High Court of Calcutta. Hence, this contention has no merits.

42. Subsequently, the respondents submit they could not convene the DPC after 1995 as a Special Leave Petition was pending before the Hon. Supreme Court. Hence they considered certain officers for promotion on adhoc basis. Accordingly, by the impugned order dated 31.3.99 the case of the applicant was considered for promotion on adhoc basis and accordingly promoted to JTS cadre on adhoc basis and was posted to Doordarshan Kendra, Bhopal.

43. In this background it cannot be stated that the applicant was holding the post of JTS cadre even earlier to the impugned proceedings dated 31.3.99. She herself had not acted upon the promotion order dated 8.11.95. Subsequently, the respondent authorities cancelled her promotion by the order dated 15.2.99.

44. It may be noted that the promotion order dated 8.11.95 and subsequent order of cancellation dated 15.2.99 are subject to the outcome of the WP pending before the Hon. High Court of Calcutta. Therefore we feel it not proper to advert in detail to those orders. If the applicant feels aggrieved by the order of the cancellation dated 15.2.99 she may approach for necessary relief the Hon. High Court of Calcutta.

45. Therefore, we do not find any irregularity in promoting the applicant on adhoc basis by order dated 31.3.99 and posting her to Bhopal. Hence, point No.a is answered against the applicant. Hence point (a) is held against the applicant.

46. Point No.b. The applicant by the impugned order dated 31.3.99 was promoted to JTS cadre on adhoc basis and posted to DDK, Bhopal, Madhya Pradesh. The



respondents submit that the said order was in the administrative exigenciesw. They explained that subsequent to 1995 no regular DPC could be convened because a petition was pending before the Hon. Supreme court and therefore they felt that to promote officers to JTS cadre on adhoc basis. Accordingly, the applicant has been promoted to JTS cadre on adhoc basis.

47. The applicant has challenged the impugned order dated 31.3.99 posting her to DDK, Bhopal.

48. In the OA she has explained her personal inconvenience to carry out her ^{promotion} ~~and~~ transfer. In fact the applicant had approached this Tribunal earlier in OA.597/99. The Tribunal directed the respondents to consider her representation. Accordingly the respondents considered her representation and by their proceedings dated 3.5.99 and 14.5.99 rejected the case of the applicant for retention at doordarshan kendra, Hyderabad.

49. It is an admitted fact that JTS cadre officers are supervisory level officers. The respondents submit that the supervisory level officers have to be transferred. They have All India Transfer Liability. Further they submit that transfer is a necessity for the officers to gain ; experience and to shoulder higher responsibilities.

50. Lastly, the respondents submit that the sanctioned strength of JTS officers at Doordarshan Kendra Hyderabad , is only four whereas there are six JTS officers positioned at DDK, Hyderabad. Hence, the transfer of the applicant became inevitable. They submit that the applicant being an officer overstayed at DDK, Hyderabad, they decided to transfer the applicant to DDK, Bangalore, as per her own option. These aspects have not been controverted by the applicant. Further she has not denied the fact that she has been working at Hyderabad for the last 13 years.

51. The applicant contends that earlier she was transferred to Lucknow and that she came back to Hyderabad with the post in January,98 and that the present transfer to Bhopal is premature. The respondents have disputed the contentions of



the applicant and stated that the applicant had stayed at Lucknow only for a few days and she was retransferred to DDK, Hyderabad, as she exerted pressure on the higher authorities. It may not be proper for us to probe in detail as to what promoted the respondents to retransfer the applicant with the post from Lucknow to Hyderabad. Merely because the applicant was transferred to Hyderabad from Lucknow in January, 1998 it cannot be argued stated that she cannot be transferred out of Hyderabad. The transfer of the applicant to DDK, Bhopal, has occasioned on account of ad hoc promotion. Therefore, the applicant cannot make any grievance regarding her personal inconvenience to remain at Hyderabad. The respondent authorities have taken into account these factors into consideration and by their impugned order rejected the same.

52. During the course of arguments the learned counsel for the applicant submitted that certain transfer orders of similar nature have been cancelled by the Doordarshan Kendra, Mumbai, and Lucknow, etc. In support, no material papers are placed before us. The learned counsel for the respondents also could not enlighten us on this aspect. Be that as it may, those cancellation of transfers cannot be taken as a precedent. Cancellation of transfer depends on various factors. Hence, we are not persuaded to accept the submissions of the applicant.

53. The Court or Tribunal has no role in the matter of transfer. The respondent authorities are the proper authorities to consider the case of its officers for transfer. Unless mala-fides are attributed the Tribunal cannot interfere in the matter. No such mala fides are attributed in this case to set aside the impugned order dated 31.3.99 transferring the applicant to DD, Bhopal. The contentions that her transfer is premature is not ground to interfere with.


54. The applicant has to obey the impugned transfer order. She may if so advised submit a detailed representation for posting her back to Hyderabad afterwards. In such an event the respondents may consider her case sympathetically. Even otherwise, the present adhoc transfer is only for a period of

one year. She may accept promotion on adhoc basis for the limited period and proceed to Bhopal. The transfer cannot be termed as mala fide.

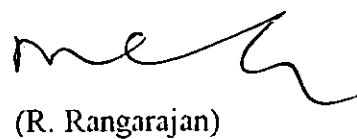
55. In that view of the matter we are not inclined to interfere with the impugned order dated 31.3.99.

56. The respondents have considered the representation of the applicant and have taken a decision to implement the transfer order dated 31.3.99.

57. For the reasons stated above we do not find any merits in the OA. Hence, the OA is accordingly dismissed. No costs.



(B.S. Jai Parameshwar)

Member(Judl)


(R. Rangarajan)

Member(Admn.)

Dated : 8.10.99


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