

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 258 of 1997

DATE OF DECISION.....24-3-1999.....

1. Shri Arun Kanti Dey

2. Shri Pijush Naha,

(PETITIONER(S))

Mr. B.K. Sharma, Mr. M.K. Choudhury,

Mr. S. S. Sarma

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors

RESPONDENT(S)

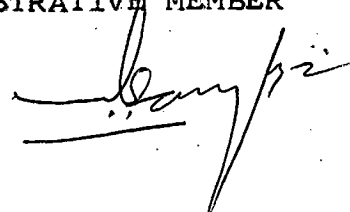
Mr. A. Deb Roy, S. C. G. S. C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. G. L. SANGLYINE, ADMINISTRATIVE MEMBER
THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble ADMINISTRATIVE MEMBER



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.258 of 97.

Date of Order: This the 24th Day of March 1999.

HON'BLE MR.G.L.SANGLYINE,ADMINISTRATIVE MEMBER

1. Shri Arun Kanti Dey, Son of Shri Gauranga Chandra Dey, resident of Kahilipara Colony, Guwahati-18, Presently working as Upper Division Clerk, All India Radio,Guwahati-3.
 2. Shri Pijush Naha, son of Late S.M. Naha, resident of Piyali Pjukan Road, Rehabori, Guwahati-8 also working as Upper Division Clerk, All India Radio, Guwahati-3.
- Applicants.

By Advocate Mr.B.K.Sharma, Mr.M.K.Choudhury, Mr.S.Sarma

-Vs-

1. Union of India, represented by the Secretary to the Government of India, Ministry of Information and Broadcasting, New Delhi.
 2. The Director General, All India Radio,Asasjvani Bhawan, Parliament Street, New Delhi.
 3. The Station Director, All India Radio,Chandmari, Guwahati-24.
 4. Ms.Dipali Boro, UDC, Office of the Station Director, All India Radio, Itanagar.
- Respondents

By Advocate Mr.A. Deb Roy, Sr.C.G.S.C.

O R D E R . _

SANGLYINE, MEMBER(A):

This application has been submitted by the two applicants. They have prayed for permission to submit the application jointly. Prayer is granted.

2. Both the applicants are Upper Division Clerks (U.D.C. for short) in the All India Radio, Guwahati. They were released to join their posts in Tawang by the order dated 20-11-97 in pursuance of the order of transfer dated 13-11-1997. They have felt aggrieved with the orders and therefore, they have submitted this application. According to them, their transfer orders

contd/-

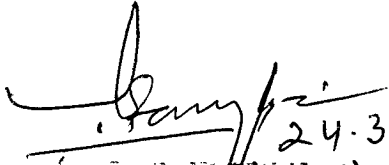
were in violation of the professed transfer policy(Annexure A). They are low paid employees and therefore, according to the transfer policy of the All India Radio, they would not normally be transferred except on promotion or on receipt of written request. They have not made any request for transfer and the transfers were also not as a result of their promotion. The transfer order were also directed by practising discrimination and in violation of Office Memorandum dated 15-11-1996(Annexure B). Further, the transfer orders were issued with ulterior motives and they have not issued in public interest or in the interest of service but they were issued to show favour to respondent No.4 who was transferred in place of any one of the applicants and to please the Staff Association of Silchar. Moreover, they are many employees at least not less than seven, who had not crossed 45 years of age and have remained in Guwahati much longer than the applicants but they were not transferred. By adopting the policy of pick and choose, the respondents had however, transferred the applicants out of Guwahati. The learned counsel for the applicants also submitted that the transfers of the applicants require review in terms of the communication of the DG AIR, ID No.1/5-98-SII dated. 9.12.1998. Mr.A. Deb Roy, learned Sr.C.G.S.C. supported the written statement and submitted that the transfers of the applicants were directed on account of administrative needs of All India Radio,

3. Heard counsel of both sides. The applicants did not have sufficient opportunity to approach the competent authority of the respondents to consider their case as immediately after the issue of the transfer orders the release order was issued. After hearing the learned counsel I am of the view that the matter may be decided by the competent authority of the respondents. For this purpose each applicant

may, if advised, submit a representation separately to the competent authority of the respondents within one month from the date of receipt of this order. Further, on receipt of the representation the respondents shall consider the prayer of the applicant on merit and communicate a speaking order to the respective applicant within 1 month from the date of receipt of the representation. Till disposal of the representation status quo as on to-day shall be maintained in respect of the applicant concerned.

The application is disposed of. No costs.

lm


(G.L. SANGLYINE) (M.A.)
ADMINISTRATIVE MEMBER
24.3.99