

30/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

Common Order 270, 271, 272/01

O.A/T.A No....271/61.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet...., 271/01..... Pg..... 1..... to.... D.O.... 23/7/01
2. Judgment/Order dtd.... 23/7/01..... Pg..... 1..... to.... 2.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 271/01..... Pg..... 1..... to.... 2.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::: GUWAHATI.

ORDER SHEET

APPLICATION NO. 271 OF 2001

APPLICANT (s) L. Kakoti

RESPONDENT (s) U.O. I Form

ADVOCATE FOR APPLICANT(s) M.K.Chandhury, S.Sarowar, U.K.Nair

ADVOCATE FOR RESPONDENT(s) C.A.K.

Notes of the Registry	dated	Order of the Tribunal
<p>This application is in form b7 and is for Disposition Petition filed and filed vide M.R. 16/2001-C.P. for Rs 50/- deposited vide IPCVB No 64792420 Dated..... 11.5.2001 8.7.2001 Dy. Registrar R.D.</p>	23.7.01 bb	<p>Heard counsel for the parties. The application is disposed of as per order contained in separate sheet.</p> <p><u>U.U. Shaha</u> Member</p>
<p><u>10/8/2001</u> Copy of the Order has been sent to the opposite party for issuing the same to the applicant as well as to the C.P.C. for the Respondent.</p>		

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application Nos. 270, 271 & 272 of 2001. 3

Date of Order : This is the 23rd July, 2001.

HON'BLE MR. JUSTICE D.N.CHOLDHURY, VICE CHAIRMAN.

HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER.

1. Shri Tarun Chandra Bharali (O.A.270/2001)

2. Shri Lambodar Kakoti (O.A.271/2001)

3. Shri Sankar Brahma (O.A.272/2001) . . . Applicants.

All of three applicants are working as  
U.D.C. in the Office of the Doordarshan Kendra,  
Guwahati.

By Advocate Mr.K.N.Chaudhury, Mr.S.Sarma &  
Mr.U.K.Nair.

- Vs -

1. Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Information and Broadcasting,  
New Delhi.

2. The Chairman, Prasar Bharati  
(Broadcasting Corporation of India)  
Akashbani Bhawan, Parliament Street,  
New Delhi.

3. The Deputy Director General (NER),  
Doordarshan Guwahati.

4. The Director,  
Doordarshan, Guwahati.

5. The Director,  
Doordarshan, Tura.

. . . Respondents.

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

ORDER

CHOLDHURY J.(V.C.) :

We have heard Mr. S. Sarma, learned counsel  
for the applicants and Mr. A. Deb Roy, learned Sr. C.G.  
S.C. for the respondents.

By the three applications under section 19  
of the Administrative Tribunals Act, 1985, the applicants  
have assailed the order of transfer dated 18.7.2001,  
transferring 12 U.D.C.s to respective stations. The

applicants have assailed the transfer order mentioning the ground of impediment of the Transfer Policy Guidelines. The applicants, in addition, also oppose the transfer order on personal grounds. It appears that the applicants have already submitted their individual representations all dated 19.7.2001 before the concerned authority. Since the representations are made, it is for the authority to examine the same and pass necessary orders.

2. In the circumstances, we are not inclined to intervene in the matter leaving the same open to the respondents to pass necessary orders as per law. Mr. S. Sarma, learned counsel for the applicant, has prayed for an interim order suspending the assailed order. Since we are leaving the matter open to the concerned authority, we are not inclined to intervene in the matter and the respondents may pass appropriate order as per rule.

With this, the applications stand disposed of.

There shall, however, be no order as to costs.

---

Sd/VICE CHAIRMAN  
Sd/MEMBER (Adm)

5  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O. A No. 271 /2001

BETWEEN

Shri Lambodar Kakoti,

... Applicant.

AND -

Union of India & Ors.

... Respondents

INDEX

S1. No.	Particulars of the case	Page
1.	Application	12
2.	Verification	13
3.	Annexure 1	14
4.	Annexure 2	15
5.	Annexure 3	16-18
6.	Annexure 4	19-21
7.	Annexure 5	22

Filed by S. Sarma

Advocate:

File no: C:\NWS\SS\air

6  
Filed by  
Bishwanath  
23-7-2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O. A No. 271 /2001

BETWEEN

Shri Lambodar Kakoti, presently working as UDC in the office of the Director, Doordarshan Kendra, Guwahati.

... Applicant.

- AND -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Information and Broadcasting, New Delhi.
2. The Chairman, Prasar Bharati (Broadcasting Corporation of India), Akashbani Bhawan, Parliament Street, New Delhi.
3. The Deputy Director General (NER), Doordarshan Guwahati.
4. The Director, Doordarshan, Guwahati.
5. The Director, Doordarshan, Tura.

... Respondents

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS MADE.

This application is directed against the order under Memo No. DDG(NER)/DD/GUW/8(6)/2001-SII/702 dated

18.7.2001 transferring the Applicant from DDK Guwahati to DDK Tura.

**2. LIMITATION**

That the Applicant declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administration Tribunal Act, 1995.

**3. JURISDICTION OF THE TRIBUNAL**

The Applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

**4. FACTS OF THE CASE**

4.1 That the Applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2 That the Applicant is presently working as UDC in the Doordarshan Kendra Guwahati under the Deputy Director General, NER, Doordarshan, Guwahati. The Applicant since his entry in to the cadre of UDC has been performing his duties and responsibilities to the satisfaction of all concerned and at no point of time he has been communicated with adverse entries.

4.3 That the Applicant has come before the Hon'ble Tribunal on receipt of the impugned communication dated 18.7.2001 issued by the Respondent No. 3. By the

aforesaid impugned transfer order, all together 12 UDC's have been sought to transfer. As state above, the present Applicant who is a holder of the post UDC under the Respondents and now presently posted at DDK, Guwahati, is sought to be transferred to DDK, Tura.

A copy of the impugned communication dated 18.7.2001 is annexed herewith and marked as Annexure-1.

4.4 That the Applicant immediately on receipt of the aforesaid impugned communication/letter dated 18.7.2001 (Annexure-1) preferred a representation dated 19.7.2001 highlighting his grievance with a prayer for redressal of the same. The said representation has been addressed to the Respondent No. 3 for reconsideration of the matter.

A copy of the representation dated 19.7.2001 preferred by the Applicant is annexed as Annexure-2.

4.5 That the Applicant begs to state that the impugned order has been issued by the Respondents in complete violation of transfer guidelines issued by the Respondents from time to time to streamline the transfer of the low paid employees. It is noteworthy to mention here that on receipt of various representations from the staff side including the Union representing their interests, the Respondents have formulated certain transfer policy. In the said transfer policy the Respondents have formulated certain guidelines to be followed at the time of issuance of transfer orders

to the low paid employees like that of the present Applicant. It is also pertinent to mention here that those guidelines have been issued for the welfare of the employees working under the Respondents so that they do not face any hardship on issuance of transfer orders.

4.6 That as stated above the Respondents have formulated certain guidelines to minimize the hardships to be faced by the employees at the event of issuance transfer order. The Ministry of Information and Broadcasting and the other Respondents took a decision on the subject of transfer policy that all the transfer orders issued in public interest should be regulated by some principles. In the said transfer policy/guideline the Respondents have formulated altogether 26 principles taking into consideration all the probable difficulties faced by the employees at the time of their transfer. As per the said transfer policy it is clear that the Applicant being a low paid employee should not be transferred except on promotion or on receipt of own request. In fact in the present case the Applicant being a low paid employee and a permanent resident of Guwahati could not have made any request for his transfer to Tura nor the Respondents have effected any promotion to the present Applicant on his transfer. But the Respondents knowing fully well about the aforesaid fact issued the impugned order which is not in conformity with the aforesaid guideline and liable to be set aside and quashed.

A copy of the aforesaid transfer guideline is annexed as Annexure-3.

4.7 That the Applicant begs to state that the Respondents before issuance of the transfer policy took another step for classification of Stations. The classification has been made on the basis of the geographical position and other considerations like communication, availability of rented accommodation, market position etc. The Respondents while categorizing the stations, classified all the stations under A B C categories. The category A stations are normally popular stations whereas the category C stations are hard stations. The stations termed as category B are softer than C category stations. In this connection it is noteworthy to mention here that the DDK Tura Station has been defined as category C station. Taking into consideration the transfer guidelines issued by the Respondents it is clear that low paid employees like the present Applicant in the event of giving him posting in category C stations is required to ask for definite option and transfer order should not be issued unless same is on promotion.

4.8 That the Applicant begs to state that while issuing the transfer policy the Respondents have emphasised the fact that there should a seniority list of all the UDC's so that transfer can be effected to the longest stay for a particular station at the first instance followed by juniors in order of seniority. In this connection it is pertinent to mention here that the Union took up the matter with the Respondents and the

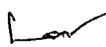
said Union preferred a representation dated 15.10.98. In the said representation the Union pointed out the fact that the transfer policy issued by them are not being followed in its true sense, and made a prayer for redressal/removal of those difficulties.

A copy of the aforesaid representation dated 15.10.98 is annexed as Annexure-4.

4.9 That the Applicant begs to state that acting of the representation the Respondent No. 3 issued an order dated 30.10.98 by which certain guideline have been issued in the form of clarification to the earlier transfer policy. In fact following the transfer policy the Respondents have faced some technical problems and to meet up those problems the aforesaid clarification dated 30.10.98 has been issued.

A copy of the clarification/circular dated 30.10.98 is annexed as Annexure-5.

4.10 That taking into consideration all these above developments it is clear that transfer policy in issuance of the impugned order dated 18.7.2001 has not been followed by the Respondents. In fact there are altogether 8 (eight) senior officials are working along with the Applicant in Guwahati and they have been continuing in their respective posts of UDC more than 25 to 13 years. Taking into consideration the gradation list prepared by the Respondents as on 1.1.99 the names of the senior/longest stayee persons are given below in



a tabular form :

Sl No.	Name	Seniority position	Working since
1.	Shri Dipak Chakraborty	28	last 25 yrs. at Guwahati
2.	Shri I. Hussain	58	last 18 yrs. at Guwahati
3.	Shri T.C. Bharali	80	last 16 yrs. at Guwahati
4.	Shri S. Brahma	98	last 16 yrs. at Guwahati
5.	Shri M. Das	100	last 15 yrs. at Guwahati
6.	Smti Gouri Das	101	last 15 yrs. at Guwahati
7.	Shri Chandan Das	106	last 15 yrs. at Guwahati
8.	Shri F. Hussain	126	last 13 yrs. at Guwahati

Taking into consideration the Annexure-5 circular and the transfer guidelines the longest stayee is required to move first but in the instant case same has not been followed. On this score alone the impugned order suffers from illegalities and same is liable to be set aside and quashed.

4.11 That the Applicant begs to state that apart from the aforesaid factual position the Applicant being a low paid employee he in his representation has pointed out his personal difficulties before the concerned authority for sympathetic consideration the same and the said representation is yet to be replied to by the Respondents. On amongst his personal problems the Applicant has narrated the fact of his wife's wife ailment who is presently suffering from chronic spinal cord pain for last several years for which it is

Law

difficult for her to perform household works. Applicant being the only male members of his family used to do most of the household works taking into consideration of his wife's ailment. That apart children of the Applicant are presently going to appear in the final exams of Degree and Higher Secondary under Guwahati University and H.S. Council, Assam and in the event of his transfer in their mid academic session they will suffer irreparable loss and injury.

The Applicant craves leave of this Hon'ble Tribunal to produce the documents pertaining to medical treatment of his wife at the time of hearing of the case.

4.12 That the Applicant begs to state that the impugned order has been communicated to him but till date he is performing his duty as UDC under the Deputy General Director, Doordarshan, Guwahati. It is pertinent to mention here that till date no order of release has been issued by the Respondents, pursuant to the aforesaid impugned order dated 18.7.2001. It is therefore, the Applicant prays before this Hon'ble Tribunal for a direction to the Respondents to allow him to continue as UDC in his present place of posting at Guwahati by suspending the operation of the impugned order dated 18.7.2001, during the pendency of the OA. Taking into consideration non-issuance of release order as well as various factual aspects narrated above it is a fit case for passing an interim order as prayed for, since the principles of balance of convenience lies

very much in favour of the Applicant. In case the interim order as prayed is not granted the Applicant is suffer irreparable loss and injury and virtually the DA will be rendered infructuous.

#### 5. GROUNDS WITH LEGAL PROPROVISIONS

5.1 For that the action/inaction on the part of the Respondents are illegal, arbitrary and violative of the principles of natural justice and hence same is liable to be set aside and quashed.

5.2 For that the Respondent have acted illegally in issuing the impugned order dated 18.7.2001 by which he has been sought to be transferred to DDK Tura without following the principles laid down in the transfer policy formulated by them.

5.3 For that the Respondents while issuing the impugned order dated 18.7.2001 have failed to take into consideration the transfer guideline which have been following by them and framed by them. It is noteworthy to mention here that taking into consideration the various aspect as narrated in the transfer guidelines the Respondents ought not to have issued the impugned order violating all the norms and and prescribed formula formulated in consultation with staff side. Having not done so the impugned order dated 18.7.2001 has been rendered illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and same is liable to be set aside and quashed.

Lw

5.4 For that the Applicant has got a vested right for consideration of his case under the aforesaid transfer policy and to that effect he has preferred a representation dated 19.7.2001. Accordingly the Respondents are duty bound to consider the representation filed by the Applicant and to pass necessary order modifying the order of transfer dated 18.7.2001.

5.5 For that in any view of the matter the action/inaction on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

The Applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

**6. DETAILS OF THE REMEDIES EXHAUSTED.**

That the Applicant declares that they have exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently they have got no other alternative than approached this Hon'ble Tribunal.

**7. MATTER PENDING WITH ANY OTHER COURTS**

That the applicants declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

**8. RELIEF SOUGHT:**

Under the facts and circumstances stand above the Applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quash the impugned orders dated 18.7.2001 with a further direction to the Respondents to allow the Applicant to continue in his present place of posting at Guwahati.

8.2 To direct the Respondents to issue necessary modification order of the impugned order dated 18.7.2001 taking into consideration the transfer policies mentioned above and to allow the Applicant to continue his present place of the posting at Guwahati.

8.3 To direct the Respondents to consider the representation of the Applicant in terms of the transfer policies mentioned above and issue necessary order modifying the impugned order dated 18.7.2001 allowing him to remain posted at his present place of posting at Guwahati.

8.4 Cost of the application.

8.5 Any other relief/reliefs to which the present Applicant are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

#### 9. INTERIM ORDER PRAYED FOR:

During the pendency of this OA the Applicant prays

*Var*

for an interim order directing the respondents not to give effect the operation of the impugned order dated 18.7.2001 so far it relates to the Applicant and to allow him to continue in his present place of posting as Head Clerk.

**10. THE APPLICATION IS FILED THROUGH ADVOCATE:**

**11. PARTICULARS OF THE POSTAL ORDER :**

(I) I.P.O. No.: 69 792420

(ii) Date: 11-5-2001.

(iii) payable at Guwahati

**12. LIST OF ENCLOSURES :**

VERIFICATION

I, Shri Lambodar Kakati, S/o Late Sukram Kakoti, aged about 39 years, presently working as UDC, Doordarshan Kendra, Guwahati, do here by solemnly affirm and state that the statement made in this application from paragraph 62,3,4.1,42,4.5,4.7,4.10-4.12 and 5 to 12 are true to my knowledge and those made in paragraphs 1,4.3,4.4,4.6,4.8 & 4.9 are matters records of and informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 19 th day of July 2001.

Signature.

Lambodar Kakati

Prasar Bharati  
 (Broadcasting Corporation of India)  
 Office of the Deputy Director General (NER)  
 Doordarshan :: R.G.Bharti Road :: Guwahati-781024

NO.DIX(NER)/DD/GW/8(6)/2001-SLI/ 702

Dated Guwahati, the  
 18th July, 2001

O R D E R

Subject:- Transfer of Upper Division Clerks in Doordarshan in North-Eastern Region.

The following Upper Division Clerks are hereby transferred and posted at the Kendras mentioned against their names in the same capacity with immediate effect.

Sl. No.	Name of Upper Division Clerks	Present place of Posting	New place of Posting	Remarks
1	2	3	4	5
1.	Shri B.C.Hazarika	DD, Tura	PPC(NE) :: DD, vice Shri Guwahati	T.C.Bharali
2.	Shri A.R.Baishya	DDK, Tura	DOMC, Guwahati vice Shri T.K.Dey	
3.	Shri M.Bezbaruah	DDK, Tura	PPC(NE):DD:GUY vice Shri S.Brahma	
4.	Shri T.K.Dey	DOMC, GUY	DDK, Guwahati vice Shri L.D.Kakati	
5.	Shri L.D.Kakati	DDK, Guwahati	DDK, Tura vice Shri A.R.Baishya	
6.	Shri T.C.Bharali	PPC(NE):DD, DDK, Tura Guwahati	DDK, Tura vice Shri B.C.Hazarika	
7.	Shri Sankar Brahma	PPC(NE) ::DD, DDK, Tura Guwahati	DDK, Tura vice Shri M.Bezbaruah	
8.	Shri K.P.Chaudhury	DDK, Agartala	DDK, Aizawl vice Shri Pinak Dutta	
9.	Shri Pinak Dutta	DDK, Aizawl	DDK, Silchar vice Shri Alok Biswas	
10.	Shri Alok Biswas	DDK, Silchar	DDK, Agartala vice Shri K.P.Chaudhury	
11.	Shri L.Shantikumar Meetei	DDK, Kohima	DDK, Imphal vice Shri Towanjao Singh	
12.	Shri Towanjao Singh	DDK, Imphal	DDK, Kohima vice Shri L.S.Meetei	

The UDCs concerned may be relieved immediately with instruction to report for duties at their new place of posting under intimation to this office.

16/7/2001  
 (Kalindra Kalita)  
 Sr. Administrative Officer  
 for DIX(NER) : Doordarshan

Cont. page No. 2/-

Attested

Advocate.

Copy for kind information and necessary action to:-

1. Dy. Director General(NER), All India Radio, Guwahati.
2. Dy. Director General, Doordarshan Kendra, Guwahati.
3. Station Director, All India Radio, Guwahati.
4. Director, PPC(NE) : Doordarshan, Guwahati.
5. Director, Doordarshan Kendra, Imphal.
6. Director, Doordarshan Kendra, Agartala.
7. Director, Doordarshan Kendra, Aizawl.
8. Director, Doordarshan Kendra, Tura.
9. Director, Doordarshan Kendra, Kohima.
10. Director, Doordarshan Kendra, Silchar.
11. Station Engineer, DDMC, Guwahati-21.

Copy for information to:-

1. Shri R.C.Baruah, Zonal Secretary(NER), ADASA, DDK, Guwahati.
2. Shri B.C.Hazarika, UDC, DDK, Tura.
3. Shri A.R.Baishya, UDC, DDK, Tura.
4. Shri M.Bezbaruah, UDC, DDK, Tura.
5. Shri T.K.Dey, UDC, DDMC, Guwahati.
6. Shri L.D.Kakati, UDC, DDK, Guwahati.
7. Shri T.C.Bharali, UDC, PPC(NE) : Doordarshan, Guwahati-24.
8. Shri Sankar Brahma, UDC, PPC(NE) : Doordarshan, Guwahati-24.
9. Shri Pinak Dutta, UDC, DDK, Aizawl.
10. Shri Alok Biswas, UDC, DDK, Silchar.
11. Shri L.Santikumar Meetei, UDC, DDK, Kohima.
12. Shri K.P.Choudhury, UDC, DDK, Agartala.
13. Shri Ng.Tomanjao Singh, UDC, DDK, Imphal.

*Handwritten signature*  
for DDG(NER) :- Doordarshan

- 15 -

P2

From: Lambodar Kakati,  
Upper Division Clerk  
Doordarshan  
Guwahati.

To : The Deputy Director General (NER)  
Doordarshan  
Guwahati.

Dated: 19-07-2001.

(THROUGH PROPER CHANNEL.)

SUB:- Representation against Transfer.

REF:- NO. DDO(NER) DD/GUW/8(6)/2001-S II/700  
dated- 18th July 2001.

Sir,

With due respect, I beg to draw your kind attention regarding my transfer to DDK, Tura vide DDO(NER), Doordarshan, Guwahati's letter referred above for your kind sympathetic consideration.

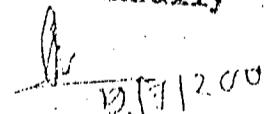
Sir, my wife is suffering from backbone pain since one year back and under treatment, my elder son is going degree final year and younger also H.S. final year in this year, and also I am the Head of the family and earning member so I am suffering from financial hardship.

In view of above points, I would like to request you kindly consider my request for retaining at DDK, Guwahati at ~~XXXX~~ least for 2(two) years and thereafter I shall move at any Kendra.

Sir, It has come to notice while preparing the transfer list Govt. policy as circulated by the Directorate has not been followed strictly. For example there are so many seniors to me but they have not been disturbed. As such I would be grateful to you forever, if you kindly look in to my prayer on humanitarian ground and cancel the transfer order please and obliged.

Thanking you.

Yours faithfully


 12/7/2001

(Sri LAMBODAR KAKATI.)  
Upper Division Clerk.

Copy to:- Shri R.C. Baruah, Zonal Secretary (NER), ADASA, DDK, Guwahati



ANEXURE I

TRANSFER POLICY

(See paragraph 2)

In supersession of all previous orders issued on the subject either by the Ministry of Information and Broadcasting or by the Directorate General, All India Radio, it has been decided that subject to exigencies of Public Service, the transfers of personnel employed in All India Radio should henceforth be regulated by the following principles:-

- i) The Stations/Offices of All India Radio will be categorised into 'A' and 'B' and 'C' categories, as indicated in the Appendix for the purpose of fixation of tenure of Personnel at these stations/Offices. This categorisation may be reviewed by the Govt. from time to time.
- ii) The normal tenure at stations/offices categorised as 'A' and 'B' will be four years and at stations/offices categorised as 'C' will be two years.
- iii) Locally recruited, members of staff of Group 'D' and other low paid employees would normally not be transferred except on promotion or on receipt of a written request from the employees in question.
- iv) Transfer of the other non-gazetted staff posted at category 'A' and 'B' stations may not be made as a matter of routine after expiry of the normal tenure of four years.
- v) The tenure of mainland recruits of AIR, Port Blair, will, however, be invariably four years (fixed) on completion of which they shall be transferred.
- vi) Normally on first appointment as a Station Director, an officer will be posted at a 'B' Station before being considered for holding charge at an 'A' station.
- vii) An Assistant Station Director, on his first promotion/appointment, will not be posted to an auxiliary centre where he has to work independently. Likewise, a Station Engineer on his first promotion, will not be posted to an Auxiliary Centre where he will be head of the Station.
- viii) At lower levels in the Programme Cadre, Officers will normally be given an opportunity to serve at both 'B' and 'A' stations, to enable them to gain experience of all aspects of broadcasting.
- ix) when the question of transfer is considered, as a normal rule, a person with the longest continuous stay at the station, irrespective of the rank(s) held by him earlier, should ordinarily be transferred first; For this purpose, the service rendered at a Station as a Local recruit will not be taken into consideration for determining the length of continuous stay at that station. Also, the actual period of continuous service at the site(s) of installation(s) will be excluded for computation of continuous stay provided the period of stay at the installation is more than ninety days in a calendar year.
- x) As far as possible, every employee will be posted to a category 'C' station at least once during his service.
- xi) Persons who already had a spell of posting at a 'C' station would not be posted to such a station a second time if there are candidates in the same grade who are still to be posted such a station. They may, however, be posted again on promotion.

Attested

Advocate.

- xiii) Persons over the age of 45 years shall not be ordinarily posted to a station of high altitude, which term for the purpose will mean a station located at an altitude, of 2250 metres or more above the sea level.
- xiii) For the purpose of determining the date of completion of his tenure, all kinds of leave availed of by an officer after posting to a category 'C' Station will be excluded except the leave availed of by him, during his such posting, upto the extent of 'Earned Leave' earned by him at that station.
- xiv) The head of the main station authorised to make recruitment may review the position of Transmission Executives posted at Category 'C' station well before completion of tenure at the station and forward proposals to the Directorate regarding transfers of those persons to other stations after ascertaining the preference of the persons concerned.
- xv) Regional Offices/Sections concerned in the Dte. should, at the commencement of a year, prepare a list of those whose tenure at Category 'C' Stations is due to be completed during that year. Proposals to post substitute in their places would be formulated well ahead of the actual completion of tenure. Those who are due for promotion and who have not done a term of posting at any Category 'C' station would be posted to a Category 'C' station on promotion.
- xvi) Six months before expiry of normal tenure of posting at a station, an employee may indicate his choice of minimum of three different stations where he would like to be preferably posted and such option may be taken into consideration before his next posting is decided.
- xvii) If an official offers himself for posting at any of the category 'C' Stations, a suitable note will be made of the offer and, to the extent possible, such an offer would be accepted.
- xviii) In case an official posted at a category 'C' station is willing to continue at that station upto the standing completion of his normal tenure there, he may not be transferred from that station unless the conditions other than the tenure justify his transfer from that station.
- xix) Posting/transfer orders of an employee who is serving at a category 'C' station to a category 'A' or 'B' station on completion of his tenure at a category 'C' Station shall be issued at least one month before the completion of his tenure.
- xx) In the matter of posting, officials who have not already been posted at a particular station, shall have precedence over others who had already had full tenure at that station.
- xxi) Member of staff, who are within three years of reaching the age of superannuation, will, if posted at their home town, not be shifted therefrom, if it becomes necessary to post them elsewhere, efforts will be made to shift them to or near their home towns to the extent possible.
- xxii) The transfers of members meners of staff who have been given specialised training whether in India or abroad, and those who are found to have aptitude for research work, will be guided by consideration of full utilising their training/talents then by any other consideration herein.
- xxiii) Only the Chief Executive of the Central Body of recognised Association/Union/Federation as defined in the constitution of that Association/Union/Federation, or where the Chief Executive has not been specifically defined in the constitution of such an Association/Union/Federation the General Secretary thereof may, if he is posted at a station/office outside Delhi/ New Delhi, be brought on transfer to a Station/Office at Delhi/ New Delhi. In case, however, he is already posted at a Station/office at Delhi/ New Delhi, he will not be transferred to a station/office outside Delhi/ New Delhi so long as he continues to hold the office by virtue of which he is entitled to be retained at Delhi/ New Delhi.
- xxiv) Efforts will be made to the extent possible to see that husband and wife serving in All India Radio and Doordarshan are posted at one place, if they so desire.

*Arrested*

*A*

*Advocate.*

xxv) Transfer will, as far as possible be synchronised with the end of the academic year so that the education of children does not suffer.

xxvi) An index card for each employees may be maintained. At Directorate or Regional Zonal Officer as the case may be. This index card will contain the record of the employee's previous postings/transfers as also his latest choice of stations of next posting and would be consulted before every transfer/posting.

xxvii) Transfer policy, as enunciated above, should be implemented as objectively as possible. If any exception is required to be made, it should be got approved at the highest level in Directorate.

**Attested**

*[Signature]*

**Advocate.**

# AKASHVANI & DOORDARSHAN ADMINISTRATIVE STAFF ASSOCIATION

( REGD. )

GUWAHATI UNIT : ALL INDIA RADIO

Guwahati ( Assam )

PIN-781003

ANNEXURE- 4

Ref...ADASA/GHY/AIR/UNIT/98-

- 19 -

Date.. 15.10.98

To

SPEED POST

The Chief Executive Officer,  
Prasar Bharati,  
Doordarshan,  
Mandi House,  
New Delhi-110 001.

Sub: Representation against transfer policy of the  
Administrative Staff dated 09.10.98 issued by  
DDG(NER), AIR, Guwahati.

Sir,

I, on behalf of Administrative Staff Association of All India Radio, Guwahati would like to lay the following for favour of your kind necessary action at an early date.

That Sir, the DDG(NER) has issued a circular under D.O. No.DDG(NE)/2(4)/98-S dated 09.10.98 whereby a transfer policy of administrative staff of All India Radio is purported to be framed. A copy of the circular is enclosed for your ready reference. It is curious to note that copy of the said circular has neither been endorsed to C.E.O. or Directorate General.

That Sir, Administrative Staff Association of All India Radio & Doordarshan has considered to pros and cons of the said circular and after examining the circular and its affects, the Association has taken strong exceptions to the decisions contained in the circular, and therefore this representation is filed pointing out the illegalities and irregularities that have been sought to be committed by the DDG(NER).

contd.../2

Attested

Advocate.

That Sir, the Association seeks to assail the circular dated 09.10.98 on amongst other the following grounds:-

1) The circular dated 09.10.98 is absolutely without jurisdiction in-as-much-as the DDG(NER) has not been conferred or delegated with any authority to lay down policy with regard to transfer or any other administrative matter. The various orders issued by the Directorate General or the C.E.O. authorising the Regional DDG donot contain any authorisation of power to frame such policy. For instance, order dated 15.09.94 being NO.10/3/94-FAC issued by the DG may be referred to (enclosed). The circular dated 09.10.98 is derogation of and contradictory to transfer policy of Prasar Bharati employees as contained in notification No.581/CEO/P/98 issued by Prasar Bharati Board dated 10.07.98 under signature of Sh S.S.Gill then CEO. Therefore, the impugned circular dated 09.10.98 cannot sustain.

2) A mere perusal of the so-called transfer policy will reveal sheer non application of the mind. The policy intends that UDCs will be posted to a Station other than their 'native station' for one year at the completion of which they would be able to return to their 'native station'. Such a policy lacks feasibility and practicality. For instance if Mr. X at Guwahati is transferred to Tawang and Y is posted in his place at Guwahati, after one year Mr.X cannot be brought back to Guwahati as the tenure of Mr.Y at Guwahati will be for four years. Thus, if a large number transfers are carried out pursuant to the policy, administrative chaos will prevail after one year as the persons who are transferred pursuant to the policy would demand for posting at 'native station' after one year on the strength of the circular but vacancies will not remain to accommodate them although the circular would confer an enforceable right to claim posting at 'native station'. Further, 'native station' has not been defined in the circular or any other circular.

3) The policy is discriminatory whereas, staff of All India Radio have been sought to be disturbed, those working in DOK have not been touched though both AIR & DOK are under the administrative control of Prasar Bharati.

tt

contd.../3

Attested

Advocate.

4) The circular has been issued the colourable exercise of power and therefore liable to be declared to be inoperative.

5) The circular is devoid of humanitarian approach towards low paid employees of the organisation. It does not take care of the cases of the staff who had to forgo their much cherished promotion to remain at a particular station as they were bogged down by domestic problems.

6) The circular intends to give differential treatment to the administrative staff posted at North Eastern Region whereas no such policy exists in other zones, like South, West etc.

7) It is therefore prayed that your good office will consider the matter in true perspective, take a practical and human approach and hold that the circular cannot be given effect to. And till and final decision is taken the operation of this circular may be directed to be kept in abeyance forthwith.

Yours sincerely,

(Aqueel Khan)  
UNIT SECRETARY

Copy to: 1) The Secretary, Min. of I&B., Shashtri Bhavan, New Delhi-110 001 with a prayer to initiate appropriate action immediately. SPEED POST

- 2) Director General, AIR, Akashvani Bhavan, Parliament Street, New Delhi-110 001 for kind necessary action.
- 3) Director General, DDN, Mandi House, New Delhi-110 001 for kind necessary action.
- 4) DDG(NER), AIR, Guwahati.
- 5) General Secretary, (Sh S.M.Choudhury-by name), National Council, ADASA, AIR, Akashvani Bhavan, Calcutta-700 001 with a request to take up the matter with Directorate without delay under intimation to this ADASA Unit.
- 6) Zonal Secretary, (Sh R.C.Barua-by name), Zonal Council, ADASA, Doordarshan Kendra, R.G.B.Road, Guwahati-781 024 for necessary action.
- 7) SD, IRmGuwahati for kind information.

**UNIT SECRETARY**

PRASAR BHARATI  
BROADCASTING CORPORATION OF INDIA  
OFFICE OF THE DY. DIRECTOR GENERAL (NE)  
ALL INDIA RADIO COMPLEX  
CHANDMARI, GUWAHATI-781003

No:NE/2(4)/98-S / 906

30-10-98

## Circular

In continuation of the circular of even no: dated 9/10/98 on transfer policy of Administrative staff, the following stations are requested to sent a roster of UDC's to be posted on yearly basis to stations which have no native staff.

Guwahati, (2) Shillong (3) Dibrugarh (4) Tura (5) Silchar, (6) Agartala (7) Aizawl, (8) Imphal

rtala (7) 21  
There are  
gentles.

- ◆ Only those who have completed five years in one station may be included in the list.
- ◆ Strict seniority on the basis of length of service at the same station may be observed while preparing the list.
- ◆ Those who have only three years or less to retire may please be excluded from the list.
- ◆ It may be impressed upon the officials that posting will be for one year after which the official will be able to return his parents station.
- ◆ Those posted out may please be allowed to keep their quarters in the parent station.

This may be treated as priority

(M.S.Rugmini )  
Dy. Director General (NE)

To  
The Station Directors Of Guwahati ,Dibrugarh, Silchar, Tura, Shillong Imphal ,  
Agartala And Aizawl

0361-5402074, 0361-540434 (R), 0361-545494 (E) 