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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Application No. 444 /2001

Applicant(s) :- S.K. Shersi

Respondent(s) :- U.O.I. Toms

Advocate for the Applicant :-

Advocate for the Respondent :- case

Notes of the Registry	Date	Order of the Tribunal
This is an application in form C. C. S. or R. S. 53/ deposited v. no. IPO/BD No 76385/85 Dated ... 8.9.2001 N.B. Registration/11/01 P.D.	21.11.2001	The applicant is not present to press the application. Admittedly, the application is directed against an order dated 13.10.1999. The present application was filed before us on 16.10.2000. No explanation is discernible for not filing the application in time. That apart, on the own showing of the applicant he preferred an application before the Principal Bench of the Central Administrative Tribunal, which was numbered and registered as O.A.No.2239/1999 and dismissed on 27.8.2001, seeking similar relief. In the circumstances this application stands dismissed.
Pl. comply order dtd. 21/11/2001.	22/11/2001	
22.11.2001 Copy of the order has been sent to the D.P.C. for issuing the same to the applicant as well as to the Rechts No. 3 by post H.S.	nk.m	

Vice-Chairman

# Court Copy - I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

केन्द्रीय प्रशासनिक अधिकारम्  
O.A. NO. 1234  
Central Administrative Tribunal

Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकारम्

1234

15 OCT 2001

16 OCT 2001

गुवाहाटी न्यायालय

Guwahati Bench

Guwahati Bench.  
प्रादृशी न्यायालय

APPLICANT

IN THE MATTER OF

S.K. OBEROI  
PROGRAMME EXECUTIVE  
DOORDARSHAN  
ITANAGAR -791,111.

16 OCT 2001

गुवाहाटी न्यायालय

Guwahati Bench

Guwahati Bench.  
प्रादृशी न्यायालय

APPLICANT

v/s

UNION OF INDIA AND ORX

RESPONDENTS

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To be decided  
on merits in absentia

S. K. Oberoi  
10/10/01

Programme Executive  
DOORDARSHAN KENDRA  
ITANAGAR

S. K. Oberoi  
Applicant  
Double M.A., LLB 10/10/01

Recd. today by hand  
Pl. Scrutinized & Acted  
12/10/01

50(3)

Mr. Dutt  
10/10/2001

Compilation No. 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. NO.

/2001

IN THE MATTER OF

Surindar Kumar Oberoi,  
S/O Shri J.L.Oberoi,  
C-II/7  
Doordarshan Colony,  
Itanagar - 791,111.

Applicant

v/s

1. Union of India,  
Through It's Secretary,  
Ministry of Information  
and Broadcasting,  
Shastri Bhawan,  
New Delhi - 110,001.

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

3. Director,  
Doordarshan Kendra,  
Itanagar,  
Arunachal Pradesh - 791,111

Respondents

*S. K. Oberoi*  
10/10/01

Programme Executive  
DOOR DARSHAN KENDRA  
ITANAGAR

Application under Section 19 of the Administrative Tribunals  
Act, 1985

Most Respectfully Showeth

1. Particulars of the Order against which the application is made :

That the applicant is aggrieved by the Order No. A-22012/3/99/S.III dated 13.10.99 issued by the respondents transferring the applicant from DDK, Delhi to DDK, Itanagar. This transfer Order is illegal, against the public interest, malafide on the face of it and issued by an authority not empowered to issue it. Primary purposes of issue of Order being to continue harassment and humiliation of the applicant. (True Photo Copy of the transfer order dated 13.10.99 is annexed as Annexure A-1 )

2. Jurisdiction of the Tribunal :

That the applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case :

4.1 That the applicant who joined the respondents as a Property Assistant on 13.3.1973 is presently employed with Ministry of Information and Broadcasting as Programme Executive in Doordarshan Kendra, Itanagar. That the applicant is a sincere and honest worker and there has never been a complaint or adverse remark against him from his superiors or juniors. That the applicant understands clearly the he being an employee of Government of India transfer liability.

*S. Mukherjee*  
10/10/01

PROGRAMME EXECUTIVE  
DOORDARSHAN KENDRA  
ITANAGAR

However the transfer has to be in accordance with the rules and policy and in public interest and not in violation or rules and policy on the whims and fancies of those in place of power and to settle scores or harass and humiliate those who do not toe the line.

4.2 That the applicant was in receipt of Order No.A-22012/3/99/S.III dated 13.10.99 transferring the applicant with immediate effect from DDK, Delhi to DDK, Itanagar. This transfer order is illegal, against the transfer policy, discriminatory, issued with malafide intent, not in the public interest. Further the transfer order has been issued by an authority not empowered to issue it as per the orders of Min. of I&B who is my employer (Annexure A-5). Primary purpose of issue of order being to continue harassment and humiliation of the applicant.

4.3 That this transfer order is not in accordance with the transfer policy issued vide letter No. A 47011/95/81-SII dated 18.10.9.11.11.1982 (True photo copy of the transfer policy is annexed as Annexure A-2)

a) According to transfer policy para VIII., a person with longest continuous stay at the centre should ordinarily be transferred first. Applicant is not the longest serving person, in his cadre at New Delhi there being many with longer stay than applicant at Delhi. Thus the applicant has been picked up for transfer to harass and humiliate him because it is perceived by Mr. M.B.Pahari, DDG, that the action against him is on true information passed on by the applicant to CBI. There are 15 persons with longer stay than applicant at Delhi, in his cadre and have never been posted to North-East.

b) That according to Para XVI of the transfer policy, efforts are to be made to the extent possible to see that husband and wife, if both are serving, are posted at one place, if they so desire.

*S. K. Subbarao*  
 (10/10/01)  
 Programme Executive  
 DOORDARSHAN  
 ITANAGAR

4  
X

It may be added that applicant's wife Mrs Veena Oberoi is serving as Assistant in Photo Section of PIB in Ministry of Information & Broadcasting at Delhi & this posting has resulted in making them be at different stations thousands of Kilometers apart at this state of life.

c) That according to para IX of the transfer policy, persons above 45 years are ordinarily not to be posted to a station of high altitude and Itanagar is located at high altitude. It may be added that applicant is 49 years old (date of birth 28.10.1952), and in accordance with that policy is not supposed to be posted at Itanagar.

4.4 That it may also be brought out that the applicant is the only son of his old parents (aged around eighty years), who are dependent on him. The parents are suffering from various diseases and can not look after themselves on their own. There being no one else to look after them at Delhi the applicant's leaving Delhi on transfer has caused them unexplainable harm & injury & trouble them in their last days.

4.5 That it may be pertinent to bring out of the five channels of Doordarshan being handled by DDK, Delhi, four have recently started 24-hours transmission necessitating increase in strength. It may not be out of place to add that around 20 programme officers have been called on tour to Delhi & two retired Programme Officers are being engaged to manage 24 hours news channel at a heavy additional regular cost per person. When DDK, Delhi is already short of the sanctioned strength & needs complimenting from various sources, transfer of applicant without replacement has further reduced the strength at Delhi Kendra at unnecessary cost to the State.

*Veena Oberoi*  
10/10/01  
Prog. Engg. TV. Officer  
DOORDARSHAN KENDRA  
ITANAGAR

4.6 That being a Gazatted employee of the Ministry of Information & Broadcasting, applicant can be transferred only by the Ministry of Information & Broadcasting and Prasar Bharati is not empowered to transfer him (Annexure - A-5). Nor order has yet been passed placing the services of applicant at disposal of Prasar Bharati as per Sec.II(i) of the Act.

4.7 That real cause of transfer of applicant is the desire of Mr. M.B.Pahari,DDG to harass & harm the applicant to the extent possible. Since Mr. Pahari took over, the applicant being honest and sincere has been slowly divested of all the work on his direction. It is very clear from the orders issued and the way they have been issued that the aim of issue of these orders is to harass and humiliate the applicant by those owing allegiance to Mr. Pahari rather then Ministry. That for reasons not connected with performance or public interest, Mr.Pahari has recommended transfer of the applicant twice to North-East, (Annexure A-3)

4.8 That the applicant has given representations both to CEO,Prasar Bharati as well as Secretary, Ministry of Information & Broadcasting on 14.10.99 (True Photo copies of representation made to I & B annexed as Annexure A-4) CEO has disposed of the representation but without application of mind. The rejection letter shows that 'this has the approval of CEO'. (Non application of mind is also malafide) - APEX COURT .

5.  GROUNDS

5.1 Because the action of the respondents is arbitrary, Malafide on the face of it, illegal, without application of mind, against the rules & the policy, against the

*S. K. Patel*  
10/10/01

Programme Executive  
BOARD OF SHRIAN KENDRA  
ITANAGAR

recommendation of the fifth pay commission, against the law as laid down by the various Courts & Tribunals & against the Constitution of India.

5.2 Because the respondents have acted against their own transfer Policy, which provides that persons above 45 years are ordinarily not to be posted to a Station of high altitude & Itanagar is located at high altitude, the applicant being 49 years old.

5.3 Because the transfer policy further provides that when question of transfer is considered, as a normal rule, a person with the longest continuous stay at the center, irrespective of the rank(s) held by him earlier, should ordinarily be transferred first. Thus the individual having longest service as regular person is to be transferred first. It can be easily verified from the records, that the applicant is not the person with longest service in his cadre. As such the transfer of the applicant is against the laid down policy.

5.4 Because the action of the respondents even otherwise is separating the husband and wife, which is against their own Policy. Policy of the Govt. has to be implemented (Apex Court). ~~Even the feasibility has not been checked by the respondents.~~

5.5. Because the representation of the applicants is yet to be disposed of by the respondent, No.1 who is his employer.

5.6 Because the respondents have not taken in to consideration law on the subject that the transfer of applicant can only be ordered by Ministry of Information & Broadcasting and not Prasar Bharati, because the service of the applicant

*S. K. Subbarai*  
10/10/01

Programming Executive  
DOORDARSHAN KENDRA  
ITANAGAR

has not been placed at the disposal of Prasar Bharati as Yet. (As per the Orders of I & B ) Annexure-A-5 Section II(I) of the Prasar Bharati Act. provides that Min. of I & B has to transfer its employees to Prasar Bharati with 9 specific order which has not yet been issued. It is submitted that Prasar Bharati Act. is passed by the special Act. of Parliament & it is holding the field. So, no other law/Judgement can supersede it.

5.7 Because the respondents have not taken in to account even public interest, at a time when they have called persons of applicants cadre from out side to Delhi & even retired persons are being engaged at extra cost to supplement the strength the applicant is being shunted out.

5.8 Because the action of the respondents has been arbitrarily taken without considering the position of the applicant and the rules/policy/law on the subject, just to harass the applicant who has been performing his duties with sincerity & honesty.

5.9 Because Shri M.B.Pahari who had recommended the transfer of the applicant and has not come forward to refute or deny the charges is to be accepted by the Court(Express News papers v/s UOI) Annexure - A-3 Even the applicant has strict evidence available with him. (Mr. Pahari was Respondent No.4 in O.A. NO.2239/99 of PB, New Delhi filed by the applicant)

5.10 Because the Delhi High Court vacated the stay granted by the Delhi Bench, the applicant was left with no option, but to report for duty at Itanagar on 4/9/01 under protest.

*S. K. Benoy*  
T.O.T.O.

Programme Executive  
DOOR  
ITANAGAR

8  
5.11 Because the Delhi High Court in its order dt. 9/8/01 in CW 1498/2000 has made it clear that the question of malafide is to be decided on merits by PB of CAT.

5.12 ~~Because the CAT/PB failed to decide the issue on merits as per the law.~~

6. DETAILS OF THE REMEDIES EXHAUSTED :

The applicant agitated his transfer order before PB, New Delhi (O.A. No. 2239/99 but PB failed to decide the case on Merits. Dismissed it on 27/8/01 during the applicants joining time.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT :

That the applicant further declares that he had previously filed original application, No. 2239/99 with the Delhi bench but PB failed to decide the case on merits as per the law, so is the cause of action.

8. RELIEF (s) SOUGHT :

In view of the facts mentioned in para 4 above & grounds given in para 5 applicant prays that the Hon'ble Tribunal be kindly pleased and grant the under-mentioned relief(s)

A) The Order No. 141/99/S.III dated 13.10.99 be quashed/cancelled to the extent it concerns transfer of applicant and its followup action.

B) The respondent No. 3 be directed to relieve the applicant from Itanagar, so that he is able to report for duty at Delhi at the earliest.

C) Grant the applicant cost,

D) Pass any other and further order in the favour of applicant.

*S. K. Subbarao*  
10/10/01

Programme Executive  
DOOR VARSITAN KENDRA  
ITANAGAR

9. INTERIM ORDER, IF ANY, PRAYED FOR :

Applicant prays that in the interest of justice this matter be decided at the admission stage, and pending this application, the respondents be directed to keep one post of Programme Executive, vacant at Delhi till the disposal of the case.

10. N/A

11. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION

FEE :

A Postal Order No. 7G385685 Dated 18-9-2001 Rs.50/- issued from the Itanagar Post Office is annexed hereto.

12. LIST OF ENCLOSURES : As per the Index.

Place : ITANAGAR

Dated : 10.10.01

*S. K. N. B. S. A.*  
Applicant 10/10/01  
Double MA, LLB.

10 (3)

VERIFICATION

I Surindra Kumar Oberoi, S/O Shri J.L.Oberoi,  
R/O C-II/7 Doordarshan Colony, Itanagar aged around  
49 years, working as Programme Executive in the  
Doordarshan Kendra, Itanagar, do hereby verify the  
contents of paras 1 to 4,6,7,8 to 12 to be true and  
correct to my personal Knowledge and paras 5 true  
based on the legal advice and that I have not  
suppressed any material fact.

S. K. Oberoi

Signature of the Applicant

Date : 10.10.01

Place : Itanagar.

## Annexure - A-1

PARSAR BHARATI  
 BROADCASTING CORPORATION OF INDIA  
 DIRECTORATE GENERAL : DOORDARSHAN  
 DOORDARSHAN BHAWAN : NEW DELHI

NO. A-22012/3/99/S.III

Dated: 13.10.99

## ORDER NO. 141/99/S.III

The following transfers/postings in the grade of Senior Time Scale of IB(P)S and Programme Executive/Producer Grade-II in Doordarshan are hereby ordered, with immediate effect:-

S.NO.	Name	Present Posting	Posting on transfer
1.	Sh. Goverdhan Lal Sharma	DDP, DDK, Delhi	DDP, DDE, Agartala
2.	Sh. S.K. Oberoi	Programme Executive, DDK, Delhi	Programme Executive, DDK, Itanagar

2. Hindi version will follow.

*(Signature)*  
 ( Gayatri Sharma )  
 Director (A)

Copy to:-

1. The Officers concerned.
2. Director, Doordarshan Kendra, Delhi/Agartala/Itanagar.
3. Pay & Accounts Officer, IRLA, Ministry of I&B, AGCR Building, New Delhi.
4. Pay & Accounts Officer, Doordarshan, Guwahati.
5. PS to ADG (A)/all DDGs in the Directorate.
6. Hindi/Vig. Section in the Directorate.
7. Guard file.
8. Spare copies-10.

*RSL*  
 for Director General

*True Copy*

*SKMbenai*  
 10/10/01

Programme Executive  
 DOORDARSHAN KENDRA  
 ITANAGAR

Compilation No 2  
Annexure A-2  
Govt. Of India

12

Directorate General : Doordarshan  
Mandi House, New Delhi.

\*\*\*\*\*

No. A47011/95/81-SII

Dated : 18.10.1982  
9.11.

Subject : Transfer policy in respect of Doordarshan Personnel.

A copy of Ministry of I&B's letter No. 502/10/81-TV, dated 10.9.82 on the subject cited above is sent herewith for information.

Sd/-  
(P.S. Varma)  
Section Officer

1. All Kendra/Office, DG: Doordarshan.
2. All Officers/Section, DG: Doordarshan
3. DG: All India Radio.
4. All recognised associations/ Doordarshan Unions of All India Radio/Doordarshan (through Doordarshan).
5. All members of the office council (through DG:DD)

\*\*\*\*\*

No. 502/10/81-IV

Government of India  
Ministry of Information and Broadcasting

\*\*\*\*\*

New Delhi September, 1982

The Director General,  
Doordarshan, Mandi House,  
New Delhi.

Subject : Transfer Policy.

Sir,

I am directed to say that in supersession of all previous orders issued on the subject either by Ministry

Contd...2/-

of Information and Broadcasting or by the Directorate General, Doordarshan, it has been decided that subject to exigencies of public service, the transfers of personnel employed in Doordarshan should henceforth be regulated by the following principles :-

- i) The Kendras/Offices of Doordarshan will be categorised into 'A' & 'B' as indicated in the Annexure for the purpose of fixation of tenure of personnel at these Kendras/Offices. This categorisation may be reviewed by the Government from time to time.
- ii) The normal tenure at Kendras/Offices categorised as 'A' and 'B' will be four 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 employee in question.
- iv) Transfer of the other non-gazetted staff posted at category 'A' and 'B' centres may not be made as a matter of routine, after expiry of the normal tenure of four years.
- v) Normally on first appointment as a Director, an officer will be posted at a 'B' centre before being considered for holding charge at an 'A' centre.

vi) An Assistant Station Director on his first promotion/Appointment, will not be posted to a Centre where he has to work independently. Likewise, a Station Engineer on his first promotion will not be posted to a centre where he will have to work independently.

vii) 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 telecasting.

viii) When the question of transfer is considered, as a normal rule, a person with the longest continuous stay at the centre, irrespective of the rank(s) held by him earlier, should ordinarily be transferred first. For this purpose, the service rendered at a centre as a local recruit will not be taken into consideration for determining the length of continuous stay at that Centre. 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.

ix) 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 mean sea level.

x) For the purpose of determining the date of completion of his tenure, all kinds of leave availed of by an officer will be excluded except the leave availed of by him during his such posting, upto the extent of "earned leave" incurred by him at that station.

xi) Six months before expiry of normal tenure or 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.

xii) 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.

xiii) Members of staff, who are within three years of reaching the age of superannuation, will, if posted at their home town, not be shifted to therefrom, if becomes necessary to post them elsewhere, efforts will be made to shift them to or near their home towns to the extent possible.

xiv) The transfers of members of staff who have been given specialised training, either in India or abroad, and those who are found to have aptitude for research work, will be guided by consideration of full .....

xv) Only the Chief Executive of the Central Body of a 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 Security thereof, may, if he is posted at a centre/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 centre/office in Delhi/New Delhi, he will not be transferred the centre/office outside Delhi/New Delhi so long as he continues to hold the office by virtue of which he is entitled to be retained as Delhi/New Delhi.

xvi) Efforts will be made to the extent possible to see that husband and wife serving in Doordarshan are posted at one place, if they so desire.

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

xviii) An index card for each employee may be maintained at Directorate of Doordarshan Kendra 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.

2. 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 the Directorate.

Yours faithfully,

Sd/-  
(B.S. Sandhu)  
Under Secy. to the Government of India  
Tele : 384896

Copy to :

1. All Officers/Sections, DG: Doordarshan.
2. All Kendras/Offices of DG: Doordarshan.
3. All recognised associations/Unions of All India Radio/Doordarshan (through DG: Doordarshan).
3. DG: AIR (Shri C.L. Bhasin, DD(A)).
4. All recognised associations/Unions of All India Radio/Doordarshan (through DG: Doordarshan).
5. All members of the office council (through DG: Doordarshan).
6. PS to Secy./JS(U)/DS(A&TV)/DS(AIR)/(B)/US(T)/US(B)(P)/and US(I).
7. B(A)/B(D)/CIS Section.
8. Guard file.
9. Spare Copies-20.

A-2  
This Annexure.....is the  
true copy of Original document

Mary  
Adv

Type Copy

S. Sandhu  
10/10/01

Programme Executive  
DOORDARSHAN KENDRA  
ITANAGAR

०१००१

NO:DDG/3(S)/98

Annexure -

A-3

दिनांक / Dated

17.9.98

18

The Cheif Executive Officer,

Prasar Bharati,  
Broadcasting Corporation of India,  
Akashvani Bhawan,  
New Delhi.

Sir,

On 16.9.98 a CBI team comprising of 9 officers came to this Kendra and conducted search in the Scenic and Property Section of DDK, Delhi. The search was started at 5.00 P.M. and concluded at 8.30 P.M. on 16.9.98 in presence of Sr. Officers of this Kendra and staff of Scenic and Property section. The surprise check Memo is enclosed herewith for your kind perusal.

I wish to keep on record following few facts for future reference.

One of the officer of DDK, Delhi, Sh.S.K.Oberoi,PEX (earlier Incharge of Scenic and Property Section) raised some objections connected with some purchases from M/s.Haryana Emporium, Delhi. Sh.Oberoi,PEX alleged that all these purchases were made by the Scenic Designer of Scenic and Property Section with an ulterior motive. As such Sh.S.K.Oberoi,PEX, declined to sign the bills and to forward the files to the next higher officers for final sanction. When the matter came to my notice, I constituted a preliminary internal enquiry committee comprising of following officers of DDK, Delhi:-

1. Sh.Ram Singh, Sg.Engineer, DDK,Delhi.
2. Sh.Ram Bilas,DDA,DDK,Delhi.

The enquiry committee was requested to go into the detailed allegation made by Sh.S.K.Oberoi,PEX in order to have an enquiry report on the alleged purchase from M/s.Haryana Emporium and Sh.S.K.Oberoi,PEX was asked to cooperate with the enquiry team in order to complete the enquiry on time. Sh.Oberoi,PEX refused to appear before the enquiry committee, though he lodged the complaint against the purchase. The entire file is in our custody and the matter was duly intimated to the Directorate Administration and Vigilence wing.

CONTD..../-

TYhe Copy

SKoberoi

10/10/01

Programme Executive  
DOORDARSHAN KENDRA  
ITANAGAR

दिनांक / Dated

19/V

When the CBI checking was conducted on 16.9.98 at this Kendra, there was no prior intimation to DDG,DDK,Delhi. Dr.P.K.Seth,DDG,Doordarshan with Sh.Babu Lal, DDG and some other officers of AIR Headquarter alongwith some CBI officers came to my room and ask me that the CBI Team has come to conduct a check in the Scenic and Property Section of DDK,Delhi regarding some purchase which was made from M/s. Haryana Emporium. At that point, in course of discussion, it came to my knowledge that the CBI came to check the matter on the basis of the complaint of Sh.S.K.Oberoi,PEX which he did few months back and for which an internal enquiry was ordered and Sh.Oberoi,PEX did not cooperate with the said enquiry team.

In view of the above, I wish to make two points for your kind attention.

1. When a CBI Check will be there in any office/organisation , whether Head of office will have a prior intimation on the same or not ? Whether the said CBI Check have been made at this Kendra with the knowledge of the CEO and with his approval ;
2. Whether an officer like Sh.Oberoi,PEX is to be continued at DDK,Delhi when he himself did the complaint of alleged purchase and afterwards did not cooperate with the internal enquiry team of DDK,Delhi.

The undersigned has already requested to the Directorate of Doordarshan to transfer Sh.S.K.Oberoi from this Kendra. No action has been taken on the matter from Doordarshan Directorate. I strongly recommend the transfer of Sh.Oberoi,PEX immediately from this Kendra. The report of the surprise check is enclosed with, which may please be got examined from your end. Sh.S.K.Oberoi,PEX was earlier working with Doordarshan Commercial Service . His performance at Doordarshan Commercial service during his stay may also be taken into account while taking a decision for shifting him from this Kendra. ~~It is requested that Sh.S.K.Oberoi may please be transferred to any Kendra in the North East or any other region excluding North Zone and placement in any office of Doordarshan/AIR, New Delhi.~~

Yours faithfully,

(DR.M.B.PAHARI)  
DY.DIRECTOR GENERAL

ENCL: AS ABOVE.

True Copy

Shubroo

10/10/01

Programme Executive  
DOORDARSHAN KENDRA  
ITANAGAR

20  
v

To,

Secretary,

Ministry of Information and Broadcasting  
Shastri Bhawan,  
New Delhi.

(THROUGH PROPER CHANNEL)

Subject: Representation against transfer Order dated 13.10.99 that is illegal, against the transfer policy and issued with malafide intent

Sir,

I wish to submit the following few lines for your kind and sympathetic consideration:-

1. I am in receipt of Order No. 141/99/S.III dated 13.10.99 transferring me with immediate effect from DDK Delhi to DDK Itanagar.
2. I submit that this transfer order is illegal, against the transfer policy, discriminatory, issued with malafide intent, not in the public interest and issued by an authority not empowered to issue it. Primary purposes of issue of order being to continue harassment and humiliation of the undersigned.
3. I submit that my transfer is not in accordance with the transfer policy. According to transfer policy, issued vide letter No. A47011/95/81-SII dated 18.10/9.11.1982, para VIII, a person with longest continuous stay at the center should ordinarily be transferred first. I may add that I am not the longest serving person, in my cadre there being many with longer stay than me at Delhi. Thus I have been picked up for transfer to harass and humiliate me because it is perceived by Mr. M. B. Pahari DDG, that the action against him is on true information passed on by me.

True Copy

S. K. Verma  
10/10/00  
Programme Officer  
DOORDARSHAN  
MADRAS

4. I may also further submit that according to para XVI of the transfer policy, efforts are to be made to the extent possible to see that husband and wife, if both are serving, are posted at one place, if they so desire. I may add that my wife Mrs Veena Oberoi is serving as Assistant in Photo Section of P I B in the Ministry of Information & Broadcasting at Delhi and this posting will put us at different stations thousands of Kilometers apart at this stage of life.

5. It may not be out of place to mention that out of the five channels of Doordarshan being handled by DDK, Delhi, four have recently started 24 hours transmission necessitating increase in strength. I may add that around 20 Programme Officers have been called on tour to Delhi to manage 24 hours news channel and telling a high addition on Govt., while I am being shunted out without any replacement on the whims and fancies of the authorities.

6. I may also further add that according to para IX of the transfer policy persons above 45 years are ordinarily not to be posted to a station of high altitude and Itanagar is located at high altitude and thus comes in the category of high altitude. I, presently aged about 47 years (28.10.1952) am not supposed to be transferred to Itanagar under the above rules.

7. I submit that being a Gazetted employee of the Ministry of Information and Broadcasting, my transfer can be done only by the Ministry and Prasar Bharati is not empowered to transfer me. This is in accordance with a latest decision of the Hon'ble Central Administrative Tribunal, Principal Bench in the case titled J.C. Bhatia Versus Union of India.

8. I have no hesitation in submitting that ~~real~~ cause of my transfer is the desire of Mr. M. B. Pahari to harass and harm me to the extent possible. Since Mr. Pahari took over, I have been

*Type Copy*

*S. N. Oberoi*  
10/10/67

Parliamentary  
Dept. D.A.

22

slowly divested of all the work on his directions and had no portfolio, when by order No.DTC/5/99/1402 dated 26/27.8.99, I was assigned to look after the commercial section. However, for reasons known to authorities that order was kept in abeyance by Order No.DDG/3(S)/99 dated 30.8.99. Thereafter by Order No.DDG/6/99 dated 2.9.99, I was allotted assignment of Foreign Film Section including recording of Foreign Ambassadors. After just one month I have been removed from there and ordered to be transferred to Itanagar. It is very clear from the orders issued and the way they have been issued that the aim of issue of these orders is to harass me and humiliate me by those supporting Mr.Pahari. I may add that for reasons not connected with my performance or public interest, Mr.Pahari has on file recommended my transfer twice to North East, which was not done in view of the policy and facts of the case.

9. I request that my case may please be reconsidered on merits and according to policy and my transfer orders may kindly be cancelled, in the mean time, I may not be forced to move on transfer.

Thanking you,

Yours faithfully

True Copy  
S. K. Oberoi  
10/10/00  
Programme Executive  
DOORDARSHAN KENDRA  
ITANAGAR

(S.K. OBEROI)  
Double M.A., LLB  
Programme Executive  
DDK, Delhi.

No.45011/41/99-B(A)  
Government of India  
Ministry of Information & Broadcasting  
B(A) Section

Annexure - A-5

23  
18  
New Delhi. Dated  
2<sup>nd</sup> September, 1999.

To.

The Director General  
All India Radio.  
Akashvani Bhawan.  
New Delhi.

The Director General.  
Doordarshan.  
Mandi House.  
New Delhi.

Subject:- Internal transfers of employees posted in Prasar Bharati.  
\*\*\*\*\*

Sir.

With reference to certain doubts regarding powers of transfer of employees within Prasar Bharati. I am directed to intimate that the matter has been considered in the Ministry and it is hereby clarified that ~~the services of a Government employee are placed at the disposal of Prasar Bharati and the Central Executive Officer of Prasar Bharati is competent to take their placement decision~~ and he is also competent to move/transfer these employees internally within Prasar Bharati wherever their cadre posts are operated. This was also conveyed vide Additional Secretary's D.O. letter No.C-17011/7/98-IIS dated 14.1.99.

2. The above clarification may kindly be circulated to all AIR Stations/Doordarshan Kendras and may be brought to the notice of all employees of Prasar Bharati.

*A*  
{ Ashok Kumar }  
Deputy Secretary to the Govt. of India  
Tel # 338 4754

Copy to:

1. DG: AIR (Shri Babu Lal, DDG(A)).
2. DG: Doordarshan (Shri K.N. Pandey, ADG(A)).
3. PS to IBM/PS to MSIB/PPS to Secretary/PPS to AS/JS(B) Director(A&B/A)  
Director(BP&L), DS(IIS)/US(BD)/TV(A), P.B.Cell/B(D), IIS Sections, Min. of I&B.
4. Guard file.
5. Spare copies - 5.

*A*  
{ Ashok Kumar }  
Deputy Secretary to the Govt. of India  
Tel # 338 4754

Pl. forward to all concerned  
M. S. D. 10/10/01  
8/9 S. O. 10/10/01  
S. O. 10/10/01

True Copy

*S. K. Subbarao*

10/10/01

PROGRAMME EXECUTIVE  
DOORDARSHAN KENDRA  
JANACAR

The Service of the applicant has  
yet not been placed at the disposal of Prasar Bharati  
under Sec. 11(1) of the Act.  
*S. K. Subbarao*  
10/10/01