

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓
O.A/T.A No. 254/02
R.A/C.P No.
E.P/M.A No. 103/02

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SECTION OFFICER (Judl.)

28/11/19

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 253 12-002
 Misc Petition No. _____
 Contempt Petition No. _____
 Review Application No. _____

VS

Advocate for the Appellant(s) Mn S. Samma & miss U Das

Advocate for the Respondat(s) Case

Notes of the Registry	Date	Order of the Tribunal
<p>The application is in compliance of the order of the Tribunal is made by the Registrar of the Court.</p> <p>74 576373 8/8/02</p> <p>By Registrar <i>[Signature]</i> 8/8/02</p> <p>Shiv Kumar</p>	8.8.02	<p>Heard Mr. S.Sarma, learned counsel for the applicant and also Mr. B.C.Pathak, learned Addl. C.G.S.C. for the Respondents.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Returnable by three weeks.</p> <p>Also, issue notice to show cause as to why interim order as prayed for shall not be passed. Returnable by three weeks.</p> <p>List on 30.8.2002 for admission</p> <div style="display: flex; justify-content: space-between;"> <div> <p><i>K. Uday</i> Member</p> </div> <div> <p><i>[Signature]</i> Vice-Chairman</p> </div> </div>

16.8.02

Heard Mr. S.Sarma, learned counsel for the applicant and also Mr. B.C.Pathak, learned Addl. C.G.S.C. for the Respondents.

Mr. S.Sarma, learned counsel for the applicant stated that he has been instructed by the applicant not to press the application. Accordingly, the application stands dismissed at not pressed. The dismissal of the application shall not preclude the applicant to make any appropriate representation before the authority seeking the remedy.

Deputy Secretary

16/8/02

Member

Vice-Chairman

mb

16.8.02

Heard Mr. S.Sarma, learned counsel for the applicant and also Mr. B.C.Pathak, learned Addl. C.G.S.C. for the Respondents.

Mr. S.Sarma, learned counsel for the applicant stated that he has been instructed by the applicant not to press the application. Accordingly, the application stands dismissed at not pressed. The dismissal of the application shall not preclude the applicant to make any appropriate representation before the authority seeking the remedial measures departmentally.

*Received
Under Secy.
26/8/02*

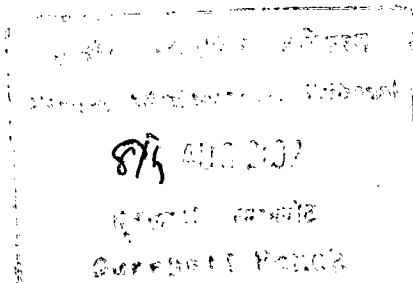
*Order dtd 16/8/02
Communicated to the
parties concerned.*

ms

mb

ICC Shan
Member

Vice-Chairman



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No. 254 of 2002

BETWEEN

Shri G.N.Talukdar Applicant.

AND

Union of India & ors..... Respondents.

I N D E X

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Filed by : Miss. U.Das, Advocate,

Regn.No.:

File :C:WS7\GAJENDRA

Date :

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Filed by
the applicant through
Alsha Das
Advocate
2/8/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

O.A.No. 254 of 2002

BETWEEN

Sri Gajendra Nath Talukdar,
Son of late Arabinda Talukdar,
resident of Chandmari Kailashpur,
Baidic Ashram Road. Guwahati-3.
At present working as - U.D.C
in the Office of the Superintending Engineer, (Civil)
AIR, DDK Staff Quarter, Hengrabari- Guwahati.

..... Applicant.

- AND -

1. The Union of India,
Represented by Secretary to the
Govt. of India.
Ministry of Information and Broadcasting.
Akashbani Bhawan, New Delhi.
2. The Chairman Prasar Bharati,
(Broadcasting Corporation of India)
Akashbani Bhawan, New Delhi.
3. The Director General, All India Radio.
Akashbani Bhawan, Parliament Street, New Delhi.
4. The Dy Director General, NER.
All India Radio,
Chandmanri, Guwahati-3.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the order bearing
No. NER.2(12)/2002-S/545 dated 31.7.2002 by which the applicant
has been declared as surplus and as a measure of redeployment he
has been transferred to AIR Zero.

2. LIMITATION:

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The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

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 citizens of India and a permanent resident of Assam and as such he is entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the applicant is presently working as a Upper Division Clerk in the office of the Superintending Engineer (Civil) All India Radio D.D.K Staff Quarter Campus, Panjabari, Guwahati. The applicant was initially got his appointment in All India Radio in the year 1972 as LDC- Cum Typist and he got his promotion to UDC in the year 1984 and during his service tenure he was transferred out from his home town. The applicant is aggrieved by action of the respondents in declaring him as a surplus staff and as a consequence of such declaration he has been sought to be transferred to AIR Ziro, by issuing the impugned order dated 31.7.2002. The cadre of UDC is a common cadre for All India Radio, Doordarshan Kendra (DDK) and Civil Construction Wing (CCW) of AIR and the respondents maintain a common seniority list of UDC for AIR, DDR & CCW. In the said seniority list the name of the applicant is at Sl.No 9 and as

X

such under any circumstances, he is not an employee to be declared as surplus. The copy of the impugned order dated 31.7.2002 is yet to be communicated officially to the officer concerned including the present applicant. However, taking in to consideration the fact and circumstances of the case, the applicant without waiting for disposal of his representation has approached this Hon'ble Tribunal seeking an immediate and urgent relief.

This is the crux of the matter for which present applicant has approached this Hon'ble Tribunal. The detailed fact is narrated below.

4.3. That the applicant initially joined the services under the respondents in Clerk Grade-II as LDC-cum-Typist in the year 1972 under AIR. Under the respondents the cadre UDC (Clerk Grade-I) has been distributed within AIR, DDK & CCW with a common seniority and promotion. In the year 1984 applicant got his promotion in the cadre of Clerk Grade-I as UDC and he was placed in CCW and transferred to Shillong. The respondents vide Memorandum bearing No.1(4)/98-S dated 13.2.98 circulated a seniority list of Head Clerk, Accountant, Senior Store Keeper, UDC, Store Keeper and LDC as on 1.1.97 in the NE Region of AIR, DDK & CCW. In the said Seniority list the name of the applicant has been shown at serial No.9.

An extract of the seniority list circulated vide Memorandum dated 13.2.98 is annexed herewith and marked as Annexure-1.

4.4. That the applicant was shocked to receive the impugned communication bearing No.NER.2(12)/2002-S/545 dated 31.7.02 by which the respondent No.3 declared 4 UDCs including the present

applicant as surplus staff and as a measure of redeployment they have been sought to be transferred out of their present place of posting. The name of the applicant has been shown at serial No.1 of the said impugned order and he has been sought to be transferred to All India Radio (AIR), Ziro.

A copy of the aforesaid impugned order is annexed herewith and marked as Annexure-2.

4.5. That the applicant begs to state that taking into consideration his seniority position in the combined seniority list of UDCs of AIR, DDK & CCW, the respondents ought not to have declared him surplus. The office memorandum issued by the Govt. of India to that effect clearly indicating the fact that in case of declaring surplus the respondents ought to have declared the senior most UDC as surplus. But violating the settled principles the respondents have declared him surplus and as a consequence of such declaration he has been sought to be transferred from his original place of posting.

The applicant craves leave of this Hon'ble Tribunal to rely and refer upon the Govt. of India's notifications in respect of declaration of surplus and redeployment at the time of hearing of this case.

4.6. That the applicant begs to state that his wife is presently working as LDC in the Irrigation Monitoring Cell under Irrigation Department, Govt. of Assam and posted in its office located at Chandmari, Guwahati. The Govt. of India, from time to time has been issuing various OMs indicating the need of posting of husband and wife in a single station. It is pertinent to mention here that 5th central Pay Commission recommendation has also emphasised the fact of posting husband and wife in a single



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station. The applicant as required under the law has given due intimation to the authority concerned regarding his wife's employment. The respondents have also to streamline the matter of transfer and posting have adopted a transfer policy taking in to consideration the policy adopted by the Govt. of India.

The applicant craves leave of this Hon'ble Tribunal to rely and refer upon those transfer policies at the time of hearing of the case.

4.7. That the applicant begs to state that taking in to consideration his wife's employment under Govt. of Assam the Respondent ought not to have issued the impugned order. That apart children of the applicant of which elder daughter is studying in class-VII who is 12 years of age and the only son of the applicant is presently studying in class V, who is 10 years of age. Both of them are studying in Central School located at Guwahati and they are in mid academic session. The youngest daughter of the applicant who is 6 years of age is studying in a private school in class-I. In the event of his transfer entire family member including the children will suffer irreparably.

4.8. That the applicant begs to state that as per guideline adopted by the respondents in respect of transfer and posting the applicant is not a longest stay in a station. Presently there are persons who have completed 25 to 30 years in a single station without any disturbance and as such those longest stay should be allowed to go on transfer. However in the instant case the respondents have adopted pick and choose policy in the matter of transfer and posting and the applicant has been made a victim of circumstances.

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4.9. That the applicant begs to state that the respondents have issued the impugned order with a malafide intention to create room for their nearer and dearer. The impugned order indicates the fact that one Mr. Nabajyoti Deka, UDC has also been sought to be transferred on surplus ground, who is in fact one of the junior most UDC in the cadre. From the above fact it is clear that no strict guideline has been followed while issuing the impugned order declaring UDCs including the applicant as surplus. Above facts are indicative of the fact that the impugned order of transfer has been issued arbitrarily without applying proper mind and as such same is liable to be set aside and quashed.

4.10. That the applicant begs to state that as per the transfer policy adopted by the respondents the applicant being a locally recruited Low paid employee, he is not liable to be transferred as has been sought to be made. That apart taking into consideration the clause (IX) of the said policy the applicant states that there are persons (Longest Stay) in the station and the respondents ought to have transferred them first. However in the instant case the respondents arbitrarily exercised their administrative power and picked up the applicant for such transfer more so ignoring his earlier spell of service (in "C" station) outside the present place of posting.

A copy of the transfer policy is annexed herewith and marked as ANNEXURE-3.

4.11. That the applicant states that clause (XI) of the Annexure-3 transfer guidelines again indicates the fact that person already posted at "C" stations would not be transferred again to such station if persons are available in the station who had no occasion to serve in "C" station and such person should be

transferred to such "C" station. The applicant had accusation to serve in "C" station and by the impugned order once again he has been sought to be transferred to a "C" station. Apart from that applicant being a person above 45 years of age protection as per clause XII of the transfer guidelines. The present place of transfer of the applicant is a high altitude station more than 2250 metres above sea level, and as such the respondents ought to have taken into consideration the fact of his age as well the altitude of the place of posting. Even otherwise also the applicant is presently suffering from ailment connected with blood pressure and such in the event of his transfer to AIR Zero, his health condition will further be deteriorated. Taking into consideration the aforesaid factual aspect of the matter, the order of transfer is liable to be set aside and quashed.

4.12. That the applicant begs to state that his wife is a State Govt. employee and his children are in mid academic session. As indicated in Annexure-3 guidelines, the applicant is entitled to get protection from such arbitrary transfer. The respondents being a model employer should have viewed all these aspects of the matter seriously. The respondents by issuing the impugned transfer order have violated the guidelines mentioned in the guideline more so when the guideline has been prepared by the respondents themselves in consultation with Staff Union.

4.13. That the applicant begs to state that the aforementioned guidelines (Annexure-3) is a creation of the respondents in consultation with employees union. The Annexure -3 guidelines is a welfare measure to streamline the matter of transfer and deviation from the same indicative of the fact that there has been some ulterior motive in issuing the impugned order

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of transfer by the respondents.

4.14. That the applicant state that when there is a complete set of transfer guidelines, the respondents are duty bound to follow the same. The guidelines has been issued by the respondents to streamline the issues relating to transfer of employee so that no employee gets any undue favour or no employee suffers undue hardship. When there is a set of rule/guidelines it is the duty of authority to follow them in its true prospective. The respondents being the controlling authority of the applicant, it is their duty to look into all the welfare measures, so that no undue hardship caused to him. In the instant case the respondents have kept aside all such consideration and issued the impugned order in its arbitrary exercise of power. The applicant some how collected a copy of the impugned order dated 31.7.2002 and preferred a representation to the concerned authority for consideration of his case but same is yet to be replied to by the respondents. Since the matter is of urgent in nature, the applicant without waiting for its disposal, has approached this Hon'ble Tribunal seeking an urgent relief.

Copy of the representation dated 5.8.2002 is
annexed herewith and marked as ANNEXURE-4.

4.15. That the applicant begs to state that the copy of the impugned order is yet to be served upon the applicant officially and the respondents have not issued any order relieving him from his present place of posting and he is still continuing. In view of the facts and circumstances stated above it is a fit case for granting interim order suspending the operation of the impugned order dated 31.7.2002 so far it relating to the applicant till finalisation of the OA. The principles of balance of convenience lies very much in favour of the applicant and as such in the

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event of not passing the interim order as prayed for , the applicant along with his family members will suffer irreparable loss and injury.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

- 5.1. For that the action/inaction on the part of the Respondents in issuing the impugned order dated 31.7,2002 is perverse illegal, arbitrary and violative of settled principles of law and guideline holding the field.
- 5.2. For that the applicant being a person in the mid of the seniority in the cadre of UDC the Respondents cannot declared him surplus and as a consequence of such declaration he can not be made to suffer by issuing the impugned order of transfer and as such the order is not sustainable in the eye of law and liable to be set aside and quashed.
- 5.3. For that there being a complete transfer guideline issued by the respondents which was in fact framed by the respondent themselves in consultation with the Staff Union, the respondents are therefore duty bound to follow the guideline (Annexure-3), having not done so the respondents have acted illegally and as such same is liable to be set aside and quashed.
- 5.4. For that the respondents have acted illegally and have acted with a malafide intention in issuing the order of transfer in adopting pick and choose method and as such same is liable to be set aside and quashed.
- 5.6. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and

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liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the Respondents to set aside and quash the impugned order of transfer dated 31.7.2002 with all consequential service benefits.

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8.2. To direct the respondents not to declare him surplus as has been sought to be done by issuing the impugned order dated 31.7.2002.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

During the pendency of the OA the applicants prays for an interim order directing the Respondents not transfer him from his present place of posting by suspending the operation of the impugned order dated 31.7.2002 so far it relates to the applicant only and to pay him his regular salary.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 79 576373
2. Date : 16-7-02
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I Sri Gajendra Nath Talukdar , aged about 50 years, Son of Late Arabinda Talukdar, at resident of Chandmari, Baidic Ashram Road, Guwahati-3 , at present working as UDC in the office of the SE (civil) AIR, DDK Staff Quarter Campus, Hengrabari, Guwahati, I hereby solemnly affirm and verify that the statements made in paragraphs 1-3, 41-42, 45-49, 411-413, 415 & 5-12 are true to my knowledge and those made in paragraphs 43, 44, 410 and 414 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 8th day of Aug. of 2002.

Signature.

Gajendra Nath Talukdar

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ANNEXURE-1

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO E.: GUWAHATI

S. Dutta
No. 1(4)/98-S/

Dated, the 13th Feb' 98.

MEMORANDUM

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23/2
The Seniority list of Head Clerk/Accountant/
Sr. Storekeeper, Upper Division Clerk/Storekeeper and
Lower Division Clerk (Telephone Attendant/Language Typist/
Hindi Typist/Tabulator Clerk) etc. as on 1.1.97 in the
North-Eastern Region of AIR/DO/CCW has been prepared and
is sent herewith.

The Heads of station/offices of AIR/DO/CCW
in the N.E. Region are requested to circulate the list
amongst the concerned officials immediately and intimate
discrepancies/omissions if any and communicated to this
station within 30 days of issue of this O.M. If no infor-
mation is received by the due date, it will be presumed
that there is no discrepancy in the list and the list
will be treated as final.

In case omissions if any noticed the parti-
culars of the officials may be forwarded to this office
in the prescribed proforma within the due date for
incorporation in the seniority list.

It is also requested that the particulars of
the above cadres as on 1.1.98 may kindly be sent to this
office immediately for preparation of Seniority list as
on 1.1.98.

Yours faithfully,

[Signature]
13/2/98
(P. Radhakrishnan)
Administrative Officer,
for Station Director.

Copy to :-

1. The Director General, All India Radio,
Akashvani Bhavan, Parliament Street, New Delhi-110001.
The Seniority list of HC/AC/SSK, UDC/SK and LLCs are
forwarded herewith in duplicate.

2. The Dy. Director General (NE), All India
Radio, Guwahati for kind information alongwith a copy
of the seniority list of HC/AC/SSK, UDC/SK and LLCs.

3. All Heads of stations/offices of AIR/DO/CCW
in the N.E. Region.

[Signature]
13/2/98
for STATION DIRECTOR

ACKD

[Signature]
Advocate.

2	3	4	5	6	7	8	9	10	11
1. K. Bhattacharjee	HSLC	10.1.48	9.6.72	21.6.74 15.9.76	15.9.76	pr.	General	AIR, Silchar as UDC	
2. M.K. Das	Matric	1.9.42	11.8.64	1.2.74 9.6.77	9.6.77	pt.	S/C	AIR, GHY as UDC ✓	
3. K. Chakraborty	Matric	15.3.44	28.9.64	6.7.76 9.6.77	9.6.77	pt.	General	DDK, GHY as UDC ✓	
4. G.C. Roy	Matric	1.5.43	29.3.65	1.2.74 5.3.80	5.3.80	pt.	S/C	DES(NE), AIR, GHY as UDC ✓	
5. Sila Paul	BA	11.3.48	1.3.73	24.5.79 12.9.80	12.9.80	pt.	General	AIR, Agartala as UDC	
6. A.K. Bora	B.A.	1.4.47	11.2.66	11.2.80 3.6.80	3.6.80	pt.	General	AIR, GHY as UDC	
7. A.P. Kakoty	P.U.	2.1.52	4.1.75	11.9.84	11.9.84	gp.	General	DDK, Dibrugarh as UDC	
8. S.K. Thapa	HSLC	1.3.57	4.4.75	14.9.84	14.9.84	pr.	General	AIR, Aizawal as UDC	
9. G.N. Talukdar	BA in Hindi	1.9.52	17.7.72	9.11.84	9.11.84	pt.	General	SgE.(C), CCW, AIR, GHY as UDC	
10. D.B. Suner	BA	1.5.47	24.9.73	22.1.85	22.1.85	pt.	S/C	CCW(C), AIR, GHY as UDC	
11. V.L. Ramliani	HSLC	1.3.57	4.4.75	17.4.85	17.4.85	pt.	S/T	AIR, Aizawal as UDC	

Contd 8

Attested
W.D. Das
Advocate.

Prasar Bharati
Broadcasting Corporation Of India
Office of the Deputy Director General (NER)
All India Radio
AIR complex, Chandmari
Guwahati-781003

Confidential.

No.NER.2(12)/2002-S/ 545

Dated: 31st July, 2002.

/ ORDER /

This has reference to SD, AIR, Guwahati's letter No. GHY-24(3)2002-S/3936 dated 30th July, 2002 the following readjustment of surplus staff of UDCs from the CCW offices are transferred with immediate effect.

Sl.No.	Name & Designation	Transferred		Remarks.
		From	To	
1)	Shri G.N.Talukdar, UDC	O/o the Sg. Engineer CCW, AIR, Guwahati	All India Radio Ziro.	
2)	Shri Nabajyoti Deka, UDC	O/o the Sg. Engineer CCW, AIR, Guwahati	All India Radio Tawang	For one year
3)	Shri. Anupam Bhattacharjee UDC.	O/o the Ex. Engineer (E) CCW, AIR, Guwahati	All India Radio, Tawang	-do-
4)	Shri D. Adhikari, UDC	O/o the Ex. Engineer All India Radio, Silchar	All India Radio Aizawl	✓

The station/offices concerned are requested to relieve them immediately under intimation to this office.

(V. Sekhose)
Dy. Director General (NE)

Copy forwarded to:-

- (1) The Station Director, All India Radio, Ziro.
- (2) The Station Director, All India Radio, Tawang.
- (3) The Station Director, All India Radio, Aizawl.
- ✓ (4) The Suptd. Engineer, CCW, All India Radio, DDK Quarter Complex (New), Panjabari Guwahati.
- (5) The Ex. Engineer (E), CCW, AIR, Rajgarh Road, Guwahati.
- (6) The Ex. Engineer, CCW, All India Radio, Shillong.
- (7) The SD, AIR, Guwahati for information and requested you to kindly pursue the transfer of Shri B.C. Das, UDC to DDMC Dibrugarh and get the no objection certificate from DDG (NE), Doordarshan Guwahati and settled the pending surplus staff adjustment.

31/7/02
Dy. Director General (NE)

0361-540297 (O) 0361-540434 (R) 0361-545494 (Fax)

Attested

Advocate.

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 in to '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 in to 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 calender year.
- x) As far as possible, every employees 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.

- 17-
- ✓ xii) 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 not with 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.

Tested

W.D.M.

Advocate.

AIR MANUAL

- ✓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/tranfers 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 leavel in Directorate.

10/10/10

WED 10/10/10

10/10/10

05/08/02

To,
The Deputy Director General (NER),
All India Radio,
Chandmari,
Guwahati-781003.

(THROUGH PROPER CHANNEL)

Subject : Prayer for review of posting transfer.

Sir,

With due deference and profound submission I beg to the following few line for your kind consideration and necessary sympathetic action thereof.

That Sir, by an order dated 31.07.2002 I have been shocked to be transsferred to Ziro, All India Radio declaring me surplus. Taking in to consideration my seniority in UDC cadre. I am not a person to be declared as surplus, Apart from that my wife is a State Govt. employee, presently post as LDC in the Department of Irrigation, Monitoring Cell at Chandmari, Guwahati since my wife is a state Govt. employee I may not be transferred out from my present post of posting move so in the mid academic session of my minor age children.

That Sir, moreover from 1984 to 87 I had an occasion to serve outside Assam, and therefore the transfer order issued dated 31.07.2002 required to be modified. (Shillong)

That Sir, as per AIR Manual a person above 45 years age are not required to be transfer out. But in my case the said Rule has not been made applicable. Again my continuation regarding posting of husband and wife also be delegated by the 5th C.P.C.

In that view of the matter the order dated 31.07.2002 is required to be modified.

However, I heard that O/O the E.E.©, CCW, AIR, Itanagar Head Clerk post is likely to be vacant after adjustment of present Head Clerk and in place of that post if consider me by promotion posting than I am willing to serve at CCW, AIR, Itanagar.

Accordingly the order dated 31.07.2002 may be modified.

I hope and trust that your honour would be kind enough to modify the order of transfer dated 31.07.2002.

Thanking you.

Sincerely yours.

(G.N. Talukdar)
UDC

Copy to :

- ✓ 1. The Superintending Engineer (Civil), CCW, AIR, Guwahati kind pursue and considering the case thereof.
2. The Station Director, All India Radio, Guwahati for sympathetic consideration and necessary action.

G.N. Talukdar
G.N. Talukdar
UDC