

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 230/2005.....

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SECTION OFFICER (Judl.)

Shahita
06.11.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 230/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(S): V. G. Malagi

Respondant(S): W.O.I JWS

Advocate for the Applicant(S): In person

Advocate for the Respondant(S): All case A.K. Choudhury

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/C. T. Rs. 50/-
deposited vide PO/BB
No. 206.158.472
Dated 19.8.05

[Signature]
Dy. Registrar
[Signature]
6.9.05

Steps taken with
envelops

W-11-05
No. wls has been
biked.

20

7.9.2005

Present: Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Heard Mr. V.G. Malagi, the applicant in person. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents raised a preliminary objection to the effect that this application is not maintainable for the reasons that the applicant is an employee of Prasar Bharati. The applicant states that he was appointed in All India ~~Raxia~~ Radio and that All India Radio has not become a part of the Prasar Bharati till date. In the circumstances, the respondents will file written statement on the question of jurisdiction.

Post on 2.11.2005.

[Signature]
Vice-Chairman

11.11.2005

Pl comply
2 order dated 11.11.05
WTS
11/11/05

The party in person is not present. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents seeks for further time to file written statement. Post on 22.12.05. Office will inform the party in person about the next posting.


Vice-Chairman

bb

22.12.2005

Order dt. 11/11/05
sent to D/section
for issuing to
the party in person.

The applicant appears in person. However, he is not present today. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents submits that they are required further time for filing written statement. Post on 27.1.2006. Inform the posting of the case to the parties urgently.


Vice-Chairman

mb

27.1.2006

Received the
order dt. 11-11-05
V. G. Malgode 21/11

When the matter came up for admission, Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents has submitted that written statement has been filed. Petitioner was present in person. He wanted to file rejoinder. Let it be done. post on 14.2.2006.


Vice-Chairman

bb

Pl comply order dated
22.12.05 to the applicant.

order dt. 22/12/05
issuing to the party
in person.

25-1-06
no WTS filed so far.

30.1.06
WTS on behalf of Respondent
No. 192 filed

GA 230/05

Notes of the Registry | Date | Order of the Tribunal

10.2.06
Rejoinder submitted
by the Applicant.

Di

14.02.2006

Rejoinder has been filed by the applicant. Post on 17.02.2006.

Vice-Chairman

mb

17.2.05

Heard the applicant in person and Mr.A.K.Choudhury, learned Addl.C.G.S.C. for the respondents. Mr.A.K.Choudhury, learned counsel for the respondents submits that pleadings are completed. Post the matter for hearing on 8.3.06.

Vice-Chairman

Case is ready for hearing.

2w
7.3.06

ln

8.3.2006

Due to personal inconvenience Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. is not present. The case is adjourned for two weeks.

~~XXXXXXXX~~

Vice-Chairman (J)

Vice-Chairman (A)

bb

4.5.2006

post the matter on 5.5.2006.

Vice-Chairman

bb

5.5.06

Heard the applicant in person. Also heard Mr M.U.Ahmed, learned Addl.C.G.S.C for the respondents. Hearing concluded. Judgment/order reserved.

Vice-Chairman

06.06.2006

Judgment pronounced in open Court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs.

Vice-Chairman

mb

[Signature]
23/6/06

Add. CGSC

21.6.06

Copy of the order
has been sent to the
offce. for issuing
the fine to the applicant
by post.
elli

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

.....

230 of 2005

O.A. No.

DATE OF DECISION 6-6-06

V.G. Malagi

..... Applicant/s

The applicant appears in person.

..... Advocate for the applicant/s.

- Versus -

Union of India & Ors.

..... Respondent/s

Mr A.K. Chaudhuri, Addl. C.G.S.C.
and Mr M.U. Ahmed, Addl. C.G.S.C.

..... Advocate for the respondents

CORAM

THE HON'BLE SHRI K.V. SACHIDANANDAN, VICE CHAIRMAN.
THE HON'BLE

- | | |
|--|-------------------|
| 1. Whether reporters of local newspapers may be allowed to see the Judgment ? | Yes/No |
| 2. Whether to be referred to the Reporter or not ? | Yes/No |
| 3. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench ? | Yes/No |
| 4. Whether their Lordships wish to see the fair copy of the Judgment ? | Yes/No |


Vice-Chairman

2

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 230 of 2005

Date of Order : This the 6th day of June 2006

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

V.G. Malagi
Asst. Director (Engineering)
O/O The Chief Engineer (NEZ)
AIR & TV, Dr. P. Kakati's Building
Near Ganeshguri Flyover
Dispur, Guwahati - 781006.

... Applicant

The applicant appears in person.

- Versus -

1. Union of India represented by
The Director General,
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi - 110 001.
2. The Chief Engineer (NEZ)
AIR & TV, Dr. P. Kakati's Building
Near Ganeshguri flyover,
Dispur, Guwahati - 781 006.

... Respondents.

By Advocates Mr A.K. Chaudhuri, Addl. C.G.S.C.
and Mr M.U. Ahmed, Addl. C.G.S.C.

.....

ORDERK.V. SACHIDANANDAN, (V.C.)

The applicant who is working as Assistant Director (Engineering), AIR & TV in Dispur, Guwahati averred in the O.A. that he expressed his willingness to serve in the North East difficult station. The Directorate requested the applicant to furnish an undertaking to forego the transfer incidentals TA/DA. The applicant did not furnish any undertaking for the same. He made representation for the transfer with TA/DA only and it was forwarded by the AIR, Vishakhapatnam. But the transfer order was issued by the Directorate (without TA/DA). He was relieved by the station authorities as per oral instruction followed by written instruction and according to the applicant he was forced to go to 'C' category station on transfer from a place 3000 km away from the applicant's home town at own cost and suffer financially and mentally. The applicant had shown his willingness to work in the North East difficult station (Annexure-6) to get rid of the Superintending Engineering who was always creating problems. The applicant also averred that as per the transfer policy of AIR Manual (Annexure-8), if an official offers himself for a post at 'C' category station a suitable note will be made of the offer and transfer guidelines will be strictly followed. The Directorate General asking the applicant to furnish an undertaking to forgo TA/DA without mentioning the reason is not in tune with the rules and the approach was very negative and destructive. The applicant in his representation made it clear that he had requested for TA/DA for transfer to Guwahati in the North East. The order of transfer without TA/DA,



according to the applicant, was issued without due application of mind and with a negative attitude. The applicant was relieved with telephonic instruction on 26.08.2003. This was confirmed by written instruction of the Directorate vide order dated 24.09.2003 (Annexure-3). Numerous representations of the applicant regarding grant of TA/DA remained answered. Therefore, the applicant approached the Central Administrative Tribunal, Guwahati Bench by filing O.A.No.30 of 2005 and this Tribunal by order dated 09.02.2005 directed the respondents to dispose of the representation of the applicant by a speaking order, which was rejected. Aggrieved by the inaction of the respondents the applicant has filed the present O.A. seeking the following relief:

“Transfer TA/DA along with the interest at govt. rate.”

2. The respondents have filed a detailed written statement contending that the applicant was transferred from Guwahati to AIR, Mysore on promotion on 27.04.1999 (Annexure-1). The applicant drew all benefits admissible under transfer policy such as TA/DA and Joining Time etc. as he was entitled for the same on completion of the prescribed tenure at Guwahati. The applicant assumed charge as ASE at AIR, Mysore on 02.06.1999 (Annexure-2). The applicant requested for transfer to Visakhapatnam when he had not completed his tenure in AIR, Mysore, i.e. of 4 years. Despite this the applicant was transferred to AIR, Visakhapatnam on 28.03.2002 (Annexure-4). As the applicant was transferred to AIR, Visakhapatnam on his own request and before completion of the tenure at AIR, Mysore, the applicant was not entitled to any TA/DA or Joining Time. Thereafter by application dated 20.03.2003 (Annexure-6) the applicant willfully


asked for a transfer to the North East and was transferred to Guwahati on 06.08.2003. The minimum prescribed period at Visakhapatnam is 4 years, but the applicant served at Visakhapatnam only for 9 ½ months. According to the provisions contained in the transfer policy the applicant is not entitled to any TA/DA or Joining Time etc. because of non-completion of the tenure period at AIR, Visakhapatnam and the fact that the applicant's transfer was on his own request (Annexure-7). In the transfer policy there is no provision to count together the stay period at two or more stations as claimed by the applicant in his representation. In the request application the applicant had clearly expressed that the applicant wanted to avail North East quota for his daughter's higher education. Thus the transfer was for the applicant's personal interest and not for public interest. The applicant's representation was duly replied vide order dated 30.05.2005 (Annexure-8). Vide order dated 24.09.2003 (Annexure-9) also the applicant was informed that his request for grant of TA/DA cannot be considered since the applicant was transferred before completion of the tenure period and on the applicant's own request. As per the directions of this Tribunal the respondents have passed a reasoned and speaking order and rejected the claim of the applicant in accordance with law. As per rules there is no provision of any sort of undertaking on this issue. However, the department does so to avoid litigation. The order of transfer to Guwahati has clearly mentioned that the applicant will not be entitled to any TA/DA or Joining Time etc. (Annexure-10). There is no distinction between North East post and other places of transfer. The applicant is not entitled to any TA/DA or Joining Time. It is further



stated that this court cannot interfere in the matter of transfer which has been considered by the Government authority.

3. Heard Mr V.G. Malagi, the applicant who appeared in person and Mr M.U. Ahmed, learned Addl. C.G.S.C. for the respondents. They have taken my attention to the pleadings, evidence and materials placed on record. The applicant argued that transfer policy as far as North Eastern Region is concerned, it is governed by different rules wherein TA/DA cannot be denied to an employee. The learned counsel for the respondents, on the other hand, persuasively argued that the transfer was affected to Guwahati (North East) on the applicant's own request before completion of the tenure period and no rules prescribed for grant of TA/DA to such an employee especially when the transfer was affected for the interest of the employee and not in public interest.

4. I have given my due consideration to the pleadings, evidence and materials placed on record. It is an admitted fact that the applicant was working in Guwahati earlier and was transferred to Mysore in the year 1999 without the benefits admissible under transfer policy including TA/DA. While in Mysore the applicant requested for transfer to AIR, Visakhapatnam before completion of the tenure period of 4 years and was transferred to AIR, Visakhapatnam on 28.03.2002. Therefore, the applicant was not entitled for any TA/DA and Joining Time. Thereafter the applicant asked for a transfer to the North East vide his application dated 20.03.2003 and the applicant was transferred to Guwahati on 06.08.2003 before completion of the prescribed tenure period of 4



years after the applicant had completed only 9^{1/2} months at Visakhapatnam. In the transfer order it was made clear that he would not be entitled for any TA/DA and Joining Time. The claim of the applicant is for TA/DA only and the point to be decided by this Tribunal is whether the applicant would be entitled for TA/DA on transfer to Guwahati. The respondents have taken a pleading that the Hon'ble Supreme Court in Shantikumari Vs. Regional Deputy Director of Health Services, Patna Division, AIR 1981, SC 1577, declared that "it is not open for this court to interfere in the matter of transfer and that any grievance of a Civil Servant in the matter of transfer has to be considered by the Government Authority." I have no quarrel with the legal proposition canvassed by the respondents in their pleadings. But grant of TA/DA on transfer of an employee to a difficult place which squarely comes under the service rules and that point is to be adjudicated. Therefore, the above decision is not squarely applicable to the given facts and circumstances of present case. Annexure-1 is the proposed acceptance of transfer request of the applicant by the Directorate, which is reproduced for better elucidation:

"Subject: Request of Shri V. G. Malagi, Assistant Station Engineer for transfer to O/o CE (NEZ), Guwahati.


The Supdt. Engineer, AIR, Visakhapatnam, may please refer to his letter No.VIS-21 (VCM)/2003-5/8811 dated 31.3.2003 on the above subject.

2. Before the request of Shri Malagi is considered further, he may be asked to give an undertaking that he will not claim TA/DA/Joining Time in the event of his transfer to O/o CE(NEZ), Guwahati.

Sd/-
(Ram Bilas)
Deputy Director of Administration
for Director General"



5. The contention of the respondents is that the applicant was requested to give an undertaking that he will not claim TA/DA and Joining Time in the event of transfer to Guwahati. In the reply statement the respondents have submitted that "as per rules there is no provision of any sort of undertaking on this issue, however, the department does so to avoid any litigation." Also, nowhere in the rules it is stated that unless an officer under transfer gives an undertaking to forego TA/DA and if the transfer is at his own request without completing the prescribed tenure, he is entitled to TA/DA." In other words it is very clear that such an undertaking was sought from the applicant in order to safeguard the respondents from litigation against any prescribed provision. In Annexure-1 it is also not mentioned as to why the applicant is not entitled to any TA/DA and Joining Time in the event of his transfer to Guwahati. Therefore, it appears that this undertaking was sought from the applicant as a precalculative design to deprive the applicant of the right which probably the applicant may have. This was also followed in the transfer order dated dated 06.08.2003, i.e. Annexure-2 in the O.A. wherein it is stated that "He will not be entitled to TA/DA/Joining time etc." The materials on record also reveal that the applicant has not given any such undertaking. On the other hand the applicant made it clear through his representation, that the applicant cannot give any undertaking, but the applicant is entitled for TA/DA. Therefore, the issue has to be analysed on its merit, notwithstanding the fact that in the transfer order there is a statement that the applicant will not be entitled to TA/DA/Joining Time etc. The applicant's representation dated 26.08.2003 was rejected on 24.09.2003 and directed the applicant to join at Guwahati forthwith. In Annexure-5 letter dated 20.07.2005, the



Directorate has stated in para 3 that "The transfer of Shri Malagi from AIR, Visakhapatnam to O/o CE (NEZ), AIR & TV, Guwahati was affected on his own request and the Deptt had fulfilled his choice, as requested by him, by transferring him to the Zonal Office, Guwahati. In the transfer policy, there is no provision to count together the stay period at two or more stations as claimed by Shri Malagi in his representation."

6. The applicant had earlier approached this Tribunal in O.A.No.30 of 2005 and vide order dated 09.02.2005 this court has made the following direction:

"No Rule or law has been pointed out or brought to my notice under which the applicant is entitled to TA/DA/Joining time, particularly, particularly when he offered his willingness to be posted to NE prior to the transfer order dated 06.08.2003. However, as the applicant's representations, followed by reminders, remain pending with the concerned authority, I am of the view that the ends of justice would be served if a direction is issued to respondent to pass reasoned, detailed and speaking order keeping in view the Rule position as well as law on the said subject regarding entitlement or otherwise of the TA/DA/Joining time. This ex notice under which the applicant is entitled to TA/DA/Joining time, particularly, particularly when he offered his willingness to be posted to NE prior to the transfer order dated 06.08.2003. However, as the applicant's representations, followed by reminders, remain pending with the concerned authority, I am of the view that the ends of justice would be served if a direction is issued to respondent to pass reasoned, detailed and speaking order keeping in view the Rule position as well as law on the said subject regarding entitlement or otherwise of the TA/DA/Joining time. This exercise shall be completed within a period of three months from the date of receipt of the order."

The court has recorded the contention that, "though he had accepted his transfer from Visakhapatnam to Guwahati but he cannot be allowed to suffer in terms of non-grant of TA/DA." Now the question

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for consideration is whether the applicant is entitled to get TA/DA as per rules.

7. It is brought to my notice the transfer policy in Appendix XII of the AIR Manual and the General proposition of such policy has been described as follows:

"Transfer policy and the instructions issued by the Department of Personnel and Training in the matter of transfers are in the nature of guidelines and are not mandatory. These guidelines have been prescribed for the career development of the officers governed by the transfer policy and in the interest of work."

It will be profitable to quote clauses 6, 7, 8 and 9 of the Transfer Policy:

"Tenure at stations in the North East

6. A substantial number of AIR stations/offices are located in the North-eastern region. For Central.....

Posting of wife and husband together

7. Government have issued instructions that an effort should be made to post wife and husband together at one station/office, subject to administrative constraints and public interest. These instructions are given in Annexure III.

TA-DA, Joining time to transferees:

8. Normally officers are transferred only after completion of their tenure and are entitled to TA/DA/joining time as admissible under rules. However, in public interest it sometimes becomes necessary to transfer officers before the completion of their tenure. Such officers are also entitled to TA/DA/joining time as admissible under rules.

9. In exceptional cases, requests for transfer before the completion of tenure on compassionate grounds are considered on merits. In such cases, no TA/DA, joining time is admissible."

8. The applicant has pleaded that for transfer to the North Eastern Region no one is interested to come and many posts are lying

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vacant. He also communicated the same on 7.7.2003 to the Director General, which is reproduced below:

"To

The Director General
Kind Atten Sri Rambilas, DDA(E)
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110001

(Through Proper Channel)

Sub: Request for transfer to Zonal Office North East
(Guwahati NE) and TA.DA - reg.

Ref: No.2/1/2003-S III dt 25.06.2003

Sir,

In continuation to the above cited reference, it may please be recalled that, I came transfer from AIR Mysore to AIR Visakhapatnam in October 2002 without TA, DA and transfer TA & DA drawn in May 99 (while on transfer from DDK Guwahati to Mysore). I have completed 4 years after drawing the transfer grant. I am requesting transfer to Guwahati, not only on self interest but also on public interest (because I am making transfer to NE where no one is interested to go and also many posts are vacant). If I have to go without TA&DA to Guwahati, that is more than 2000 km, I shall have to incur a heavy financial loss. The directorate may please be kind enough to consider sympathetically transfer with TA & DA as I have completed the period of 4 years after drawing transfer incidentals and I am requesting to NE.

The case may please be considered favourably.

.....

Yours faithfully

Sd/-
(V.G. MALAGI)"

9. In support of his claim the applicant has produced Annexure-11 dated 09.07.2003 wherein the Drawing and Disbursing Office has recommended the Director General alongwith the representation of the applicant stating that the applicant has



requested to allow TA/DA for transfer to the North East (Guwahati) as the applicant had completed 4 years from the last date he has drawn the transfer grant. The applicant had worked in Guwahati for 2^{1/2} years upto 1999 and transferred to AIR Mysore on 27.04.1999. From AIR Mysore the applicant was transferred to AIR Visakhapatnam without TA/DA on the plea that the applicant did not complete the four years tenure at AIR Mysore. But the applicant was transferred from AIR Visakhapatnam to Guwahati without TA/DA since that transfer was after 4^{1/2} years after drawing the transfer incidentals and the Directorate of AIR Guwahati has strongly recommended to the Director General for grant of TA/DA etc. to the applicant. The letter of the Directorate of AIR Guwahati is reproduced below:

"The Director General,
[By Name: Sri Ram Bilas, DDA(E)]
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi-110001.

Sub : Request for grant of TA/DA etc on transfer
from AIR, Visakhapatnam to Sri G. Malagi,
Asstt. Director (Engg.).

Sir,

A representation dated 21/04/2004 submitted by Sri V.G. Malagi, ADE of this office for grant of TA/DA & Joining time on transfer from AIR, Visakhapatnam is forwarded herewith for kind consideration.

Mr Malagi, ADE while opting for transfer to the North East after about 4^{1/2} years stay in AIR, Mysore & Visakhapatnam did not furnish any undertaking to forgo TA/DA in response to the DG's Memo No.2/1/200-3-S.III dated 25/6/03. As such he is entitled to TA/DA etc on his transfer to this office.

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It is requested that Directorate approval for payment of TA/DA etc. to Mr Malagi, ADE may please be communicated at an early date.

Yours faithfully,

Sd/-
(R.K. Sinha)
Director (Engineering)
For Chief Engineer (NEZ)

10. The contention of the respondents that the transfer was affected for the higher education of the applicant's daughter and therefore, it was not in public interest has to be understood by the preamble of the transfer policy that such guidelines had been prescribed for the career development of the officers governed by the transfer policy and interest of the work. In the AIR Manual under the heading 'New Stations of AIR' it is stated as follows:

"For purpose of tenure, all new stations of AIR are categorized by the Directorate in consultation with the Ministry of I&B for regulating transfers of staff posted at such stations. Till such stations are categorized, the tenure is treated as four years, unless they fall in any of the above categories like CBS Centres, North-East etc. where tenure is governed by the general instructions already issued on the subject."

11. Further concessions are notified for the employees "when posted to the North Eastern Region" (Swamy's - FR & SR, Part - I Page 286 Chapter 23). It includes T.A. and Joining Time, LTC, Tenure, Weightage for Promotion, Benefit of two HRAs, Special Allowances etc. These concessions have been notified to attract more employees to work in the North Eastern Region, which is a hard station. Children Education Allowance/Hostel subsidy is one such benefit which may be an added attraction but cannot be termed as "personal interest". Evaluating the materials placed on record I am of the view that the

transfer of the applicant is more on public interest and therefore he is entitled to get the benefit claimed in the O.A. with reference to TA though not DA.


12. The contention of the respondents that it was for administrative exigency cannot be accepted. What is administrative exigency has been elaborately discussed by the Apex Court in the decision of Shri K.B. Shukla and others Vs. Union of India and others, 1979 (4) SCC 673, in which the Apex Court observed, "the responsibility for good administration is that of the Government. The maintenance of an efficient, honest and experienced administrative service is a must for the due discharge of that responsibility. Therefore, the Government alone is best suited to judge as to the existence of exigencies of such a Service, requiring appointment by transfer. The term "exigency" be understood in its widest pragmatic sense as a rule, the Court would not judge the propriety or sufficiency of such opinion by objective standards, save where the subjective process of forming it, is vitiated by mala fides dishonesty, extraneous purpose or transgression of the limits, circumscribed by the legislation." On going through the facts this court cannot find any such reason to describe the applicant's transfer as on public interest.

13. It is argued that under the general instructions special treatment has to be given to the North East post and therefore the tenure period has been fixed as two years compared to four years in other places. That itself is an indication that employees working in the North East are special categories since it is a hard station. The averment in the O.A. and the arguments advances by the counsel for



the applicant that so many posts are vacant in the North East because nobody is interested to come to the North East is also an indication that no officer is willing to come to the North East. Therefore, when the applicant has made an application for transfer to the North East it was readily accepted by the respondents and large number of vacancies are lying unfilled for years together, will show that the transfer was in the interest of public. So, instead of encouraging an employee who volunteered to come to the North East, deprivation of his right to get TA will cause great hardship as far as that employee is concerned. Special rules and regulations are formulated for transfer, retention and encouragement to the employees working in the North Eastern Region. Hence special allowances are also granted to such employees working in the North Eastern Region to attract more employees in this area for development of the country. If the transfer of the applicant is viewed in the perspective, I am of the considered view that the transfer of the applicant should be construed for public interest and therefore the applicant is entitled to get TA only as claimed by the applicant. It is quite obvious that the respondents have not approached the applicant's claim in positive manner. The grant of DA may be attached to transfer on public interest but denial of TA for such a long distance cannot be justified even in a case of transfer on request to the North Eastern Region.

14. In the conspectus of the facts and circumstance of the case I am of the considered view that the applicant is entitled to get TA only and the respondents are directed to grant the benefit to the applicant within three months from the date of receipt of a copy of this order on proof without any interest on the claim. It is also made



clear that this order cannot be a precedent since it is confined only to the facts of this case.

The O.A. is accordingly allowed. In the circumstances no order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

nkm

6 SEP 2005

List of dates and synopsis

গুৱাহাটী ন্যায়পীঠ

Guwahati Bench

1	Directorate letter no.2/2/2003-S.III/421 dt. 25.06.2003 to furnish an undertaking to forgo the TA/DA.	Annexure 1
2	Transfer order No. 2/1/2003-S.III dated 06.08.2003	Annexure 2.
3	Relieving instruction order No. 2/1/2003-S.III (Pt)578 dated 24-09-03	Annexure 3.
4	Hon'ble CAT Guwahati judgment dt.09-03-05	Annexure 4.
5	Directorates letter no.9/163/99-SIII/635 Dt.20-07-05	Annexure 5.
6	Transfer application dt.20.03.03 opting for North East difficult station Guwahati	Annexure 6
7	Letter dt-23-01-03 to the Superintending Engineer of AIR Vishakhapatnam	Annexure 7.
8	Copy of the AIR Manual page no.317	Annexure 8.
9	Copy of the AIR Manual page no.314	Annexure 9
10	Copy of the AIR Manual page no.315	Annexure 9 .
11	Representation dt. 07-07-03 in which no undertaking was given.	Annexure 10
12	Forwarding letter of my Representation dt. 07-07-03 vide no.VIS -21 (VGM)/2003-s/11231 dt-09-07-03	Annexure11
13	Directorates vide letter no.9/163/99-SIII/310 Dt.30-03-05	Annexure 12
14	Representation dt. 17-02-05,	Annexure13.
15	Representation dt. 11-04-05,	Annexure 14
16	Representation dt. 15-06-05,	Annexure 15
17	Directorates letter no.9/163/99-SIII/ Dt.30-05-05	Annexure 16
	<u>Representations & Forwarding letters before approaching the Hon.CAT</u>	
18	Representation dt. 06-10-03	Annexure17.
19	Representation dt. 30-01-04	Annexure18.
20	Forwarding letter No. CE (NEZ)/21(2)/2004-S/453 dt.30.01.04	Annexure 19
21	Representation dt. 21-04-04	Annexure20.
22	Forwarding letter No. CE (NEZ)/21(2)/2004-S/657 dt.07.05.04	Annexure 21
23	Representation dt. 22-07-04	Annexure22.
24	Forwarding letter No. CE (NEZ)/21(2)/2004-S/2640 dt.23.07.04	Annexure 23
25	Representation dt. 29-11-04,	Annexure24.
26	Forwarding letter No. CE (NEZ)/21(2)/2004-S/5489-90 dt.03.12.04	Annexure 25
27	Personal request letter dated 06.02.04 to the Chief Engineer (D), Shri, D.K.Bandopadhyay.	Annexure 26
28	Latest Gazetted post vacancy position at NEZ	Annexure 27

5 SEP 2005
APPENDIX A
Form I
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Filed in
person
V.G. MALAGI
dt - 05-09-05

Application under section 19 of the
Administrative Tribunals Act, 1985

O. A 230/05

Title of the case Transfer incidentals on transfer to North East station Guwahati reg.

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V. G. Malagi
Signature of the Applicant

For use in tribunals Office

Date of filing 05-09-2005

Or

Date of receipt by post 05-09-2005

Registration no. O. A 230/05

Signature
For Registrar

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAGATI BENCH.**

V.G.MALAGI.
Asst.Dierctor (Engineering)
O/O The Chief Engineer (NEZ)
AIR & TV, Dr. P. Kakati's Building
Near Ganeshguri flyover
Dispur, Guwahti-781006

APPLICANT
Vs.

Union of India represented by
1. The Directorate General
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110001

2. The Chief Engineer (NEZ)
AIR & TV, Dr. P. Kakati's Building
Near Ganeshguri flyover
Dispur, Guwahti-781006

RESPONDENT S

DETAILS OF APPLICATION

1. Particulars of the order against which the Application is made:

- a) The Directorate General, All India Radio, New Delhi, letter no.2/2/2003-S.III/421 dated 25.06.2003 to furnish an undertaking to forgo the TA/DA (Annexure 1).
- b) Transfer order No. 2/1/2003-S.III dated 06.08.2003. By the Directorate General, All India Radio, New Delhi (Annexure 2).
- c) Relieving instruction order No. 2/1/2003-S.III(PtIII)/578 dated 24.09.2003. By The Directorate General, All India Radio, New Delhi. (Annexure 3).
- d) Judgment of the Hon. CAT Guwahati bench, dated. 09/02/2005, on O.A. No.30/2005(Annexure 4).
- e) The Directorate General, All India Radio, New Delhi, letter No. 9/163/99-S.III./635 dated.. 20/07/2005 (Annexure 5).

2. Jurisdiction of the Tribunal:

I hereby declare that the subject- matter of the order against which I want redressal is within the jurisdiction of the Tribunal.

3. Limitation:

I further declare that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act 1985.

4. Facts of the case:-

I may please be allowed by the Hon. CAT. Guwahati Bench, to pray for the justice towards the injustice happened to me with the following few facts.

Facts of the case in brief: - I have shown the willingness to serve at the North East difficult station. The Directorate AIR N.Delhi, did not take it in the interest of service. I was asked by the Directorate to furnish an undertaking to forgo the transfer incidentals TA/DA. I did not furnish any undertaking to forgo the TA/DA. On the other hand I have represented for the transfer with TA/DA only and the same was forwarded by the AIR Vishakhapatnam. But on the contrary, the transfer order was issued by the Directorate (without the TA/DA), by actually –

V. G. Malagoti

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- (i) Not going through the records & files,
 - (ii) Not realizing the very purpose of their own query,
 - (iii) And by not considering my representation in response to the Directorate query in which, I did not furnish any undertaking to forgo the TA/DA.

Further I was relieved by the station authorities as per the oral instruction followed by the written instruction from the Directorate. I am subjected to unnecessary harassment i.e. I am forced to come to the 'C' category station on transfer from a place of 3000 km away from my home town at own cost and suffer financially, as well as, mentally at the behest act of some one at the Directorate, for the reason not known to the best of my knowledge other than negligence and negative attitude in the interest of work.

Facts of the case in detail: - A) I have shown the willingness to work at North East difficult station (Annexure 6) as to get rid of the Superintending Engineer AIR Vishakhapatnam who was always creating problems under the continuous influence of intoxication with those who did not hand in gloves with him (Annexure 7 in support of an incident).

B) As per the Transfer policy of All India Radio manual page no 317 (Annexure 8), if an official offers himself for posting at any of the category 'C' station, a suitable note will be made of the offer and to the extent possible, such an offer would be accepted and also it is clear as per transfer policy general guidelines (Annexure 9) that, "These transfer guidelines have been prescribed for the career development of the officers governed by the transfer policy and in the interest of work".

C) Due to lack of constructive and positive approach, But with the destructive and negative approach in the interest of service without considering my willingness to serve at difficult station, that too when many of the class I posts were vacant at NEZ.& Especially 12 out of 12 ADE posts were vacant at the O/o the CE (NEZ), the Directorate General, AIR, N.Delhi, asked me to furnish an undertaking to forgo the TA/DA (with out mentioning the reason why I was not eligible for TA/DA) before processing further about my transfer to Guwahati (Annexure 1). The recent gazetted engineering vacancy statement sent by the O/o the CE (NEZ) is enclosed in support (Annexure 27).

V. Cr. Malaya

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D) But, I did not furnish any undertaking to that effect. Rather I represented with TA/DA (Annexure 10) and the same was forwarded by AIR Vishakhapatnam, in which it was clearly mentioned that he has requested to allow TA/DA for transfer to North East Guwahati (Annexure 11).

E) On the contrary to the very purpose of their own query (Annexure 1) and my representation dated.07.07.2003 (Annexure 10) the replay to the Directorate query, forwarded through the AIR Vishakhapatnam vide letter No.VIS-21(VGM)/2003-s/1123. Dt.09-07-03 (Annexure 11) the transfer order without TA/DA was issued by the Directorate.

I May please be allowed to bring to the notice of the Hon. CAT Guwahati that the Directorate General, AIR, N.Delhi, while issuing the transfer order-

(i) either no official including the transfer deciding authority have gone through the files & records or realized the necessity and very purpose of their own valuable query (Annexure 1) or

(ii) Suit will of some one with negative attitude at the Directorate has acted strongly for the reason what so ever may be not known to the best of my knowledge.

F) I was relieved by the station authority of AIR Vishakhapatnam as per Directorate telephonic instruction on 26/08/2003 to relive me immediately (when I was present at the Directorate), confirmed by Directorate written instruction vide order no. 2/1/2003-S.III (Pt.III)/578 dated. 24/09/ 03 (Annexure 3).

G) Numerous representations requesting for the grant of TA/DA, made to the Directorate through proper channel after joining at the O/o the CE (NEZ) which remained UN answered.

H) Approached the Hon. CAT Guwahati for the justice and the Hon. CAT was kind enough to hear my grievances and the judgment was given, directing the Directorate to give detailed speaking order considering the fact, “Since he did not submit any undertaking to forgo TA/DA in response to the respondents communication dated 25th July 2003, he under the rules was entitled to TA/DA etc. it is contended that though he had accepted his transfer from Vishakhapatnam to Guwahati but he cannot be allowed to suffer in terms of non-grant of TA/DA (Annexure 4).

I) Further facts are explained in the Para of Grounds for relief with legal provisions.

5. Grounds for relief with legal provisions:

A. "If an official offers himself for posting at any of the category 'C' station, a suitable note will be made of the offer and to the extent possible, such an offer would be accepted". Is per the rule applicable under Transfer policy of All India Radio manual Para 6 of page no 317 (Annexure 8),

"These transfer guidelines have been prescribed for the career development of the officers governed by the transfer policy and in the interest of work". (Annexure 9).

I was asked to furnish an undertaking (with the destructive and negative approach of the Directorate) to forgo the TA/DA before processing the case of my transfer to Guwahati (Annexure 1), in the total disregard to the transfer policy and my willingness to serve at the difficult North East station in the interest of service, 12 out of 12 posts of Assistant Director (Eng) were vacant at the O/o the CE (NEZ).

B. a) I did not furnish any undertaking as desired by the Directorate (Annexure 10) forwarded through the AIR Vishakhapatnam (Annexure 11).

Contrary, the act of issue of Transfer order No. 2/1/2003-S.III dated. 06.08.2003 with out TA/DA & JT (Annexure 2) by the Directorate General, AIR, N.Delhi, by-

(i) Over sighting the records & files by the official including the transfer deciding authority.

(ii) Neglecting / without realizing the necessity and very purpose of their own valuable query (Annexure 1).

(iii) Not going through my representation (Annexure 10) in which I requested my transfer with TA/DA only. Is brought to the notice of the Hon. CAT.

b) The most important Para 5 of the judgment of Hon CAT Guwahati i.e. "Since he did not submit any undertaking to forgo TA/DA in response to the respondents communication dated 25th July 2003, he under the rules was entitled to TA/DA etc. it is contended that though he had accepted his transfer from Vishakhapatnam to Guwahati but he cannot be allowed to suffer in terms of non-grant of TA/DA." (Annexure 4) is fully ignored by the Directorate in all the subsequent replies (Annexures 12, 16 & 5).

-10/15/05

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c) My repeated appeal (5 appeals before approaching CAT and 3 after approaching CAT) is remained unanswered so far. i.e., "I was transferred against my willing when I did not furnish any undertaking as insisted in the directorate query."

d) "In exceptional cases, requires for transfer before the completion of tenure on compassionate grounds are considered on merits. In such cases, no TA/DA, joining time is admissible." (Annexure 9 A) the rule quoted by the Directorate in the letter dt.30-03-05 (Annexure 12).

This is to mention here that, the quoted above rule by the Directorate is applicable for request transfer on compassionate grounds only. But not for the cases where one offers himself to serve at the North East states to disallow the TA/DA and also no exceptional thing has occurred in my case. It shows that the Directorate has not understood the rule properly.

e) Further as per Para ii. Of Directorate letter (Annexure 16) i.e. "as regards copy of AIR Manual forwarded by Shri Malagi it is stated that nowhere it has been mentioned that the transfer on request outside the home state is not to be treated as transfer on request. It only states that if an official offers himself for posting at a 'C' category station, to extent possible, such an offer would be accepted. Thus even this request is not bidding on the Department".

To clarify the above statement,- It does not mean that the officer is required to forgo TA DA whenever posted to place of choice. Normally the officer is not forced to proceed on transfer without TA DA. In some cases, the authority may ask the applicant to furnish an undertaking to for go TA DA before issue of transfer order, and in such case, transfer order is issued only when the applicant is ready to forgo TA DA. In my case, I did not furnish any undertaking to forgo TA/DA. Therefore, I should not have been transferred if Directorate was not interested to allow me TA /DA.

f) The Directorate states in the Para 3 of letter dt.20-07-05 (Annexure 5) i.e. "The transfer of Shri Malagi from Vishakhapatnam to O/o CE (NEZ), AIR & TV, Guwahati was affected on his request and the Dept had fulfilled his choice, as requested by him, by transferring him to the Zonal Office, Guwahati".

The above statement would have been applicable if I was transferred to my home town on request but not to North East.

V. G. Malagi

g) Further it is to impress upon the Hon. CAT, that I was asked to furnish an undertaking to forgo the TA/DA also, because, **“The offer of the officer who offers himself for posting at North east cannot be treated as request to disallow the TA/DA”**. If not or otherwise **why I was not transferred straight away on the basis of my willingness dt.20.03-03 (Annexure 6) to serve at NEZ**

C) a) I was relieved by the station authority of AIR Vishakhapatnam as per Directorate biased telephonic instruction on 26/08/2003 to relive me immediately (when I have challenged the act of Directorate, at the Directorate), confirmed by **Directorate written instruction vide order no. 2/1/2003-S.III (Pt.III)/578 dated. 24/09/ 03 (Annexure 3)**.

b) The statement “If transfer without TA/DA etc. was not acceptable to him, he should not have got himself relived and joined at the new station” made in the Directorate letter dt.30-03-05 (Annexure 12), is in total contrary to their own reliving instruction letter dt.24-09-03 (Annexure 3). Which is another evidence of issuing the letters by The Directorate without going through the files and records.

Further, the same statement “If transfer without TA/DA etc. was not acceptable to him, he should not have got himself relived and joined at the new station” (Annexure 12) also means, that there was no compulsion of my relieving. Then why it was instructed to relieve me immediately in inhuman way? If not the officer was biased on me.

If the Directorate stands on its statement i.e., “If transfer without TA/DA etc. was not acceptable to him, he should not have got himself relived and joined at the new station”, **The Directorate should not have instructed to relive me immediately.** In vice versa, if the Directorate stands on its reliving instruction, the Directorate should not have made the statement i.e., “If transfer without TA/DA etc. was not acceptable to him, he should not have got himself relived and joined at the new station”.

At this juncture I may please be permitted to express the doubt of my inner mind i.e., was there any formalities (which is not known to the best of my knowledge) not fulfilled by me which resulted in issue of relieving instruction even after knowing well that, I have been transferred against of willing to forgo the TA/DA and I have not refused to go to NEZ (but I have requested for my entitlement on transfer) also. **If not how such blunder can occur?**

V. Gr. Malagala

c) The Para vi. Of Directorate letter (Annexure 16) as clarification to Para 4 of my letter dt.11-04-05 (Annexure 14), “There were no verbal instruction from the Directorate. His transfer order was issued on 6.8.03”.

It is brought to the notice of the Hon. CAT as to, How can an officer at the Directorate pass the statement, that too, when, the officer by whom the oral instruction was given is not in the Directorate now, the officer by whom the above statement is passed was not in the transfer section when the oral instruction was given and that too by whom the oral instruction was given is not disclosed by me so far.

Second sentence of the statement is related neither to the “oral relieving instruction nor to written relieving instruction”.

Also the Directorate has not given any clarification on their letters dt.30-05-05 (Annexure 16) & 20-07-05 (Annexure 5) for, why oral instruction 26-08-03 followed by written instruction dt.24-09-03 (Annexure 3) was given to justify the statement “If transfer without TA/DA etc. was not acceptable to him, he should not have got himself relived and joined at the new station” of the letter dt.30-03-05 by the Directorate (Annexure 12).

D) a) The Directorate has quoted in the letter dt-20-07-05 (Annexure 5) that “in the transfer policy, there is no provision to count the stay period at two or more stations”.

In this regard, it is brought to the notice of the Hon CAT that, there is no such specified rule for, not to count the period of two or more stations. And no rule is quoted by the Directorate also if there is any. Counting the stay period at two or more stations will be governed by the transfer policy general rule i.e. “These transfer guidelines have been prescribed for the career development of the officers governed by the transfer policy and in the interest of work”. (Annexure 9).

b) The Directorate has quoted in the letter dt-30-05-05 (Annexure 16) that, “The period of stay at Mysore & Vishakhapatnam cannot be counted together as these are two different stations not in the same Municipality”.

One step further, the Directorate again slipped here in applying the said rule. The above quoted rule by the Directorate is applicable to count the total period of two or more stations within the same Municipality, is only for the purpose to transfer an official out of that Municipal area subsequently but not for disallowing the TA/DA.

It is not understood as to, when the period of stay at two different stations which are in the same Municipality (where no financial implications) can be counted together for transfer incidentals for the next

V. G. Malaguti

subsequent transfer, why the period of stay at two different stations which are not in the same Municipality (where financial implications are bounded) cannot be counted together ?

As I was once transferred from AIR Mysore to AIR Vishakhapatnam without TA DA there does not seem to have been any legal hurdle to allow me TA DA on subsequent transfer to Guwahati after a total period of 4.3 years stay (3 years 4 months at AIR Mysore and 11 months at Vishakhapatnam). As per rule, TA DA can be allowed for transfer even within 6 months which is of course without transfer lump-sum grant.

E) It is to impress upon the Hon. CAT Guwahati that, I am entitled for the transfer incidentals in respect of my transfer from Vishakhapatnam to Guwahati on the grounds--

- (i) The judgment of Hon CAT Guwahati is fully ignored by the Directorate in all the replies (Annexures 12, 16 & 5).
- (ii) The transfer policy rules pertaining to North East are over looked / disregarded by the Directorate.
- (iii) There was no necessity to insist me to give an undertaking to forgo the TA/DA.
- (iv) I have not given any undertaking to forgo the TA/DA.
- (v) I was transferred against my willing when I did not furnish any undertaking as insisted in the directorate query
- (vi) I should not have been transferred if the Directorate was not interested to allow the TA/DA.
- (vii) I was relived by the station authorities on oral followed by the written instruction at the behest act of the Directorate to cover their ignorance.
- (viii) The rules quoted by the Directorate in all the subsequent replies are totally irrelevant to this case.
- (ix) The silence by the Directorate for the direct & pin pointed points i.e. 1. Why I was transferred without the TA/DA when I did not furnish any under taking to forgo the transfer TA/DA and 2. Why I was forced to get relived from Vishakhapatnam? Reveals the clear cut proof of issuing the orders with an immature and negative approach.
- (x) I should not be made to suffer just by the inhuman / irresponsible act of the directorate.

D) Therefore, only for lack of willingness and positive attitude of some or some one in the Directorate, who

V. G. Malogol

- (i) Has disregarded to all the of the transfer policy rules pertaining to the North East,
- (ii) Did not go through the records & files,
- (iii) Has not realized the very purpose of their own query,
- (iv) Has ignored the Hon. CAT Judgment,
- (v) Is not specific in clarifying the direct & pin pointed points and quoted irrelevant rules,
- (vi) Has issued the relieving instruction at the behest and ignorant act,
- (vii) Has not clarified their own query & statements-- I am subjected to unnecessary harassment i.e. I am forced to come to the 'C' category station on transfer from a place of 3000 km away from my home town at own cost and suffer financially, as well as, mentally, for only because I have shown the willingness to serve at the NEZ.

The above evidences and clarifications, shows that, the letters by the Directorate of AIR N.Delhi,(being the controlling / head office for all AIR stations in India, whose orders are treated as the most valuable records and documents)are being issued with an immature and negative approach.

The door of the Hon. CAT is knocked again to get the justice.

6. Details of remedies exhausted:

I hereby declare that I have availed of all the remedies available to me under the relevant rules, etc.

1. None of my representations which are forwarded through proper channels before approaching the Hon. CAT (Annexure 17 to 26) are un answered by the Directorate of AIR N.Delhi.
2. Forwarded the Hon. CAT judgment through proper channel dt.17-02-05 (Annexure 13).
3. Represented again dt.11-04-05 (Annexure 14) and dt.15-06-05 (Annexure 16).
4. Directorate letters 30-03-05, 30-05-05 and 20-07-05-
 - i) Quotes irrelevant rules
 - ii) Ignored the Hon. ACT judgment
 - iii) Has not clarified their own query & statements
 - iv) Did not justified the act of transfer without TA/DA & forcible relive on instruction
5. Single Para of of my representation dt 15-06-05 is not clarified by the Directorate in their letter dt. 20-07-05.

V. G. Malaguri

7. Matters not previously filed or pending with any other Court:

I hereby declare that I have previously filed an application through O.A No.30/3005 at the Hon. CAT. Guwahati Bench regarding the matter, in respect of which this application has been made.

The case was disposed of with the Judgment dt.09-02-05 i.e. "Since he did not submit any undertaking to forgo TA/DA in response to the respondents communication dated 25th July 2003, he under the rules was entitled to TA/DA etc. it is contended that though he had accepted his transfer from Vishakhapatnam to Guwahati but he cannot be allowed to suffer in terms of non-grant of TA/DA". And by directing the respondent to give the detailed speaking order keeping in view of the rule position.

V. G. Malguz

8. Relief(s) sought:

Transfer TA/DA along with the interest at govt. rate..

9. Interim order, if any, prayed for:

No Interim order, prayed for:

10. In the event of application being sent by Registered Post:

Application is handed over at the Honorable CAT in person. I desire to have oral hearing at the admission stage and a self-addressed inland card is attached herewith so that the date of hearing could be intimated to me.

11. Particulars of Bank Draft/ Postal Order filed in respect of the application fee:

Postal order no. 20G J158472, dated. 19-08-05 for Rs- 50 /- drawn in favor of CAT Guwahati Bench.

12. List of enclosures:

1	Directorate letter no.2/2/2003-S.III/421 dt. 25.06.2003 to furnish an undertaking to forgo the TA/DA.	Annexure 1
2	Transfer order No. 2/1/2003-S.III dated 06.08.2003	Annexure 2.
3	Relieving instruction order No. 2/1/2003-S.III (Pt)578	

	dated 24-09-03	Annexure 3.
4	Hon'ble CAT Guwahati judgment dt.09-03-05	Annexure 4.
5	Directorates letter no.9/163/99-SIII/635 Dt.20-07-05	Annexure 5.
6	Transfer application dt.20.03.03 opting for North East difficult station Guwahati	Annexure 6
7	Letter dt-23-01-03 to the Superintending Engineer of AIR Vishakhapatnam	Annexure 7.
8	Copy of the AIR Manual page no.317	Annexure 8.
9	Copy of the AIR Manual page no.314	Annexure 9
10	Copy of the AIR Manual page no.315	Annexure 9 .
11	Representation dt. 07-07-03 in which no undertaking was given.	Annexure 10
12	Forwarding letter of my Representation dt. 07-07-03 vide no.VIS -21 (VGM)/2003-s/11231 dt-09-07-03	Annexure11
13	Directorates vide letter no.9/163/99-SIII/310 Dt.30-03-05	Annexure 12
14	Representation dt. 17-02-05,	Annexure13.
15	Representation dt. 11-04-05,	Annexure 14
16	Representation dt. 15-06-05,	Annexure 15
17	Directorates letter no.9/163/99-SIII/ Dt.30-05-05	Annexure 16
	<u>Representations & Forwarding letters before approaching the Hon.CAT</u>	
18	Representation dt. 06-10-03	Annexure17.
19	Representation dt. 30-01-04	Annexure18.
20	Forwarding letter No. CE (NEZ)/21(2)/2004-S/453 dt.30.01.04	Annexure 19
21	Representation dt. 21-04-04	Annexure20.
22	Forwarding letter No. CE (NEZ)/21(2)/2004-S/657 dt.07.05.04	Annexure 21
23	Representation dt. 22-07-04	Annexure22.
24	Forwarding letter No. CE (NEZ)/21(2)/2004-S/2640 dt.23.07.04	Annexure 23
25	Representation dt. 29-11-04,	Annexure24.
26	Forwarding letter No. CE (NEZ)/21(2)/2004-S/5489-90 dt.03.12.04	Annexure 25
27	Personal request letter dated 06.02.04 to the Chief Engineer (D), Shri, D.K.Bandopadhyay.	Annexure 26
28	Latest Gazetted post vacancy position at NEZ	Annexure 27

V. G. Malgudi

VERIFICATION

I, V.G.Malagi S/o, Late. Gopalacharya, age 43 years working as Asst. Director Engineering, in the O/O The Chief Engineer (NEZ) resident of (presently) Guwahati do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and Para 1 to 12 believed to be true on legal advice and I have not suppressed any material facts.

Date: 05-09-05
Place: Guwahati

V.G. Malagi
Signature of the applicant

V.G. Malagi

To,
The registrar,
Central Administrative Tribunal
Guwahati Bench
Guwahati

FORM II

Receipt Slip

Receipt of the application filed in the Central Administrative Tribunal Guwahati Bench by Shri, V.G.Malagi working as Asst. Director Engineering in the Ministry/department/Office of The Chief Engineer (NEZ) residing at Guwahati is hereby acknowledged.

Date:
Seal:

For Registrar
Central Administrative Tribunal
Guwahati Bench

0891 2562084

FAX

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
DIRECTORATE GENERAL: ALL INDIA RADIO
AKASHVANI BHAWAN, NEW DELHI.

No. 2/1/2003-S.III/431

Dated the 25th June, 2003.

Subject:- Request of Shri V.G. Malagi, Assistant Station Engineer for transfer to O/o CE(NEZ), Guwahati.

The Supdt. Engineer, AIR, Visakhapatnam, may please refer to his letter No. VIS-21 (VGM)/2003-S/8811 dated 31.3.2003 on the above subject.

2. Before the request of Shri Malagi is considered further, he may be asked to give an undertaking that he will not claim IA/DA/Joining Time in the event of his transfer to O/o CE(NEZ), Guwahati.

Ram Bilas
(Ram Bilas)
Deputy Director of Administration
for Director General

To: The Superintending Engineer,
All India Radio,
Visakhapatnam.

AECM)
Ao
20/6/03

Self attested
V.G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O-CE (NEZ) AIR & TV
Guwahati-781006

Annexure - 2

Airnet

Home

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Transfer/Promotion etc

Section S-III

PRASAR BHARTI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL, ALL INDIA RADIO

No. 2/1/2003-S.III

New Delhi, 6.8.2003

ORDER NO. 38/2003-S.III

Shri V.G. Malagi (IRLA No. 14942), Assistant Station Engineer, All India Radio, Visakhapatnam is hereby transferred in the same capacity to O/o CE(North-East Zone), All India Radio, Guwahati with immediate effect.

2. He will not be entitled to TA/DA/joining time etc.

(RAM BILAS)
Dy. Dir. of Admn. (E)
for Director General

To

1. PS to CEO, Prasar Bharati.
2. PS to E-in-C(AIR).
3. PS to E-in-C(DDn)/CE(TV)/Dir. (E)(Sh. D.K. Gupta), DG Doordarshan, New Delhi.
4. Head of Office, AIR, Visakhapatnam/O/o CE(NEZ), AIR, Guwahati.
5. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(NZ), AIR & DDn, New Delhi - 3 copies.
6. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(EZ), AIR & DDn, Kolkata - 3 copies.
7. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(SZ), AIR & DDn, Chennai - 3 copies.
8. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(WZ), AIR & DDn, Mumbai - 3 copies.
9. CE STI(T)/CE(R&D), AIR, New Delhi.
10. Pay & Accounts Office, IRLA-Min. of I&B, AGCR Building, New Delhi.
11. Ministry of I&B, US BA(E), Section, Shastri Bhawan, New Delhi.
12. Persons concerned through their respective Offices.

Copy to:

1. PS to CE(D)/PS to CE(M)/PS to CE(P)/PS to CE(MR)/DE(P)/DE(Coordination)/DE(HQ)/DE(Estimates)/Dir. (IT, Division)/Dir. (EPM)/CVO/DDA(FAC)/DDA(E)
2. A&G/Vig. Section/Scor Section
3. The General Secretary, AIR & Doordarshan Engineers' Association, P&D Unit, AIR, New Delhi.
4. The President, Association of Radio & Television Engineering Employees, Post Box No. 422, Gole Market, New Delhi.
5. The General Secretary, All India Akashvani and Doordarshan SC/ST Employees Welfare Association, 2579/2580, Bagichi Raghunath, Sadar Thana Road, Delhi-6.
6. The General Secretary, AIR & Doordarshan Technical Employees Association, Post Box No. 736, New Delhi.
7. The General Secretary, Graduate Engg. Association AIR/Doordarshan, Post Box No. 319, New Delhi-110001.
8. The President, Programme Staff Welfare Association of AIR & DDn. (Regd.), 11, Annexe, Broadcasting House, All India Radio, New Delhi.

(V.G. MALAGI)
Assistant Director (Engineering),
O/o the Chief Engineer (NEZ),
Guwahati-781006

Annexure 3
235
31/10/03
D
Sri Ramiah
PM
23/10/03
IMMEDIATE

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO

No.2/1/2003-S.III(Pt.III) 578

New Delhi, 24.9.2003

Sub: Request to grant TA/DA etc. on transfer to O/o CE(NEZ) Guwahati - representation received from Sh. V.G. Malagi, ASE.

Reference representation dated 26.8.2003 received from Sh. V.G. Malagi, ASE on the above subject.

2. The request of Sh. V.G. Malagi, ASE to grant him TA/DA etc. on his transfer to O/o CE(NEZ) Guwahati has been considered. It is regretted that it has not been found possible to accede to the request due to non-completion of his tenure there. He may be informed accordingly & **relieved immediately for joining at O/o CE(NEZ) Guwahati.** A compliance report may also be sent to this Directorate immediately.

Self attested
V.G. Malagi

Ram Bilas
(RAM BILAS)
Dy.Dir. of Admn.(E)
for Director General

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781003

Head of Office,
All India Radio,
Visakhapatnam.

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO : : VISAKHAPATNAM

No.VIS-1(7)/2003-s/Engg/

Dated : 05.11.2003

Copy to the Chief Engineer(NEZ) (Shri Mahadev Sarmah, Dy Dir(Admn) - by name), All India Radio & TV, 3rd floor, Dr.P. Kakati's Eldg., Near Ganeshguri Flyover, G.S. Road, Guwahati - 781 006 - with a request to hand over the enclosed photocopy of the Directorate's letter to Shri V.G. Malagi, Assistant Station Engineer who has taken over as Asst Director (Engg) at your office.

P. Nageswara Rao
(P. Nageswara Rao)
Drawing & Disbursing Officer
For Station Director

Copy to Shri V. G. Malagi, Assistant Station Engineer/Asst Director(Engg), o/o CE(NEZ), AIR & TV, Guwahati.

17 Annexure - 4 SL. NO. 20
CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI BENCH 39

Original Application No. 30/2005

Date of Order : This the 9th day of February, 2005.

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

V.G. Malagi
Asst. Director Engineering.
O/O The Chief Engineer (NEZ)
AIR & TV, Dr. P. Katakya Building
Near Ganeshguri flyover
Dispur, Guwahati - 781 006.

In person.

- Versus -

The Union of India,
Represented by the Director of General
All India Radio, Akashvani Bhawan,
Sansad Marg, New Delhi - 110 001

... Respondent.

None present for the Respondent.

ORDER (ORAL)

M.K. Gupta, Member (J):

The applicant has sought permission to make certain correction in Annexure - 9 as some words did not appear in original representation sent to the authority, which is permitted and accordingly he is allowed to make necessary correction with due signature.

The applicant, who appeared in person argued in detailed that he has entitled to TA/DA on transfer from Visakhapatnam to Guwahati, as he had not given any under taking as sought for vide communication dated 25.06.2003 to forego his claim of TA/DA in the event of transfer to Guwahati.

It is stated that the applicant was transferred to AIR Guwahati in the capacity of Assistant Station Engineer, and because of certain personal reasons he offered willingness to be posted in the North East. Pursuant to his willingness and option he was transferred, vide order dated 06.08.2003, from Visakhapatnam to AIR Guwahati. In paragraph 2 of the said order it was specifically stated that he would not be entitled to TA/DA/joining time.

It is stated that he has made numerous representations prior to as well as subsequent to the transfer said order, which remain unconsidered despite various reminders made to the concerned authorities.

Self attested
V.G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

Since he did not submit any undertaking to forego TA/DA in response to the respondents communication dated 25th June 2003, he under the rules was entitled to TA/DA etc. It is contended that though he had accepted his transfer from Visakhapatnam to Guwahati but he cannot be allowed to suffer in terms of non-grant of TA/DA.

I have heard applicant in person and peruse the O.A.

No Rule or law has been pointed out or brought to my notice under which the applicant is entitled to TA/DA/Joining time, particularly when he offered his willingness to be posted to NE prior to the transfer order dated 06.08.2003. However, as the applicant's representations, followed by reminders, remain pending with the concerned authority, I am of the view that the ends of justice would be served if a direction is issued to respondent to pass reasoned, detailed and speaking order keeping in view the Rule position as well as law on the said subject regarding entitlement or otherwise of the TA/DA/Joining time. This exercise shall be completed within a period of three months from the date of receipt of the order.

Accordingly the application is disposed of at the admission stage without issuing any notice to the respondent. No costs.

Sd/MEMBER(J)



Certified to be true Copy
 प्रमाणित प्रतिलिपि

Section Officer (J)

C.A. T. GUWAHATI BRANCH

Guwahati-781005

[Handwritten Signature]
 17-2-05
 17/2/05

P-30

19

Annexure - 5 40

SPEED POST

DDF
H/c (Delo pami) 25/7/05

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL : ALL INDIA RADIO

NO. 9/163/99-S.III/635

New Delhi, 20/07/2005.

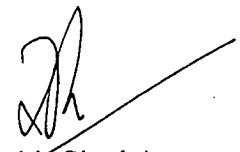
Subject : Grant of TA/DA etc. to Shri V.G. Malagi, ADE on transfer from AIR, Visakhapatnam to O/o CE(NEZ), Guwahati.

Reference O/o CE(NEZ), AIR & TV, Guwahati's letter No. CE(NEZ)/21(2)/2005-S/1103, dated 16/06/2005 forwarding therewith the representations dated 15/06/2005 & 16/06/2005 submitted by Shri V.G. Malagi, ADE on the above subject.

2. The above referred representations of Shri Malagi, ADE have been considered sympathetically and it has been found that the request of Shri Malagi to post him at his choice place i.e. the Zonal Office, Guwahati was considered & decided in terms of the provision of transfer policy and he was accordingly transferred & posted at Guwahati without TA/DA & JT etc.

3. The transfer of Shri Malagi from AIR, Visakhapatnam to O/o CE(NEZ), AIR & TV, Guwahati was effected on his own request and the Deptt. had fulfilled his choice, as requested by him, by transferring him to the Zonal Office, Guwahati. In the transfer policy, there is no provision to count together the stay period at two or more stations as claimed by Shri Malagi in his representations.

4. In view of the above, it is advised that Shri V.G. Malagi, ADE may be informed that he is not entitled to TA/DA and joining time for his transfer from AIR, Visakhapatnam to O/o CE(NEZ), Guwahati. It may also be brought to his notice that as per the provisions contained in transfer policy, there is no room to consider his case further.



(Ranbir Singh)
Director (P&EA)

Chief Engineer (NEZ),
Office of the Chief Engineer (NEZ),
Akashvani & Television,
GUWAHATI - 781 006.

Self attested

V.G. Malagi

V. G. MALAGI
Asstt. Director (Engg)
O/O CE (NEZ) AIR &
Guwahati-781006

From,

V.G. MALAGI
Assistant Station Engineer
All India Radio, Visakhapatnam

To,

The Director General
Kind: Atten. Chief Engineer (Development)
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110001

(Through Proper Channel)

Sub: Request for transfer to Zonal Office North East (Guwahati NE)

Sir,

With due respect I request your honor that I may please be transferred to the zonal office Guwahati (NE).

I would like to avail the NE quota for my daughter's higher education as she has studied in different states who is just finishing here 10th examination.

At Mysore, during the 10 KW FM (Harries) transmitter installation, almost all the installation works including augmentation of power supply, tower and antenna erection, PDP & AC plants, multifunction switching console erection, transmitter & AVR erection, along with the correspondences pertaining to installation were carried out by me as the I.O was not regularly posted.

At HPT(TV) Shimoga the design fault of 'U' link panel was rectified (copy enclosed) which was appreciated by the Station Engineer and recommended to incorporate in all the mark III TV Transmitters.

While I was at DDK Guwahati , I was volunteer to go to Mokokchung to attend the Breakdown. After attend the Breakdown , many more equipments were made through and also 130W operation, 1KW operation and 1 KW by pass operations were introduced.

I have under gone the training course s a) Doordarshan 9 months training course at IIT Kanpur b) Training on FM Transmitter course at STI(T) Delhi

I shall be thankful for the act of kindness.

Visakhapatnam
Dt: 20.03.2003

Self attested

V.G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
OJO-CE (NEZ) AIR & TV

Yours faithfully

V.G. Malagi
(V.G.MALAGI)

Copy to: The Chief Engineer (NE) AIR & TV, Radha Bhavan, R.G. Baruah Road, Saujiali Path, Guwahati-781003 for kind information and perusal please

21
Annexure - 7 ✓
The Superintending Engineer,
All India Radio
VISAKHAPATNAM.

Sir,

At, around 2000 hrs yesterday on 22/1/2003, Phone call of Superintending Engineer Sri K.S.Sharma received at my residence. In a state of intoxication at high pitch in singular he started abusing me stating why you have not come to my residence to settle the bills inspite of repeated telling ? and also today when you came in morning and afternoon to my residence. I had told you to come at evening.

When I pleased him that, sir, you have not called me today or I had come to your residence either in morning or afternoon today, that too, I had been to 100 KW transmitter ~~at 1900 hrs~~ by shift vehicle at 1000 hrs and returned at 1900 hrs by the shift vehicle; in that case, I could not be able to come to your residence in afternoon or morning. Again, as a reply he said "have not come today afternoon ? have you come morning or have you come yesterday" in totally confused mood by twisting the matter, after attending to ~~know~~ fault you have not come to my residence and repeated "like that."

At this juncture I am very sorry to mention here that, the updt.Engineer is always in a state of intaxication also it is very difficult to meet him at office as most of the time he will not be available if available also no frontful reply and no reply is being received if contacted overphone to his residence and also Iam very sorry to mention that, I am ashamed that I am working under such an officer who dosstnot know day or night, yesterday or today.

I am constanlly being harrassed by him through one or the other way and I am unable to deal/discuss the official matters with him as he is always in the state of intoxication. With the yesterdays incident I am totally distrubed, sleepless feeling tense and unable to discharge my duties both at office and my residence. If the same situation cintinuous I may need the medical assistance.

Thanking you,

Yours faithfully,

V. G. Malagi 23/1/03

(V.G. MALAGI)

Asst. Station Engineer

AIR, Visakhapatnam.

Copy to the Station Director kind information.

self attested

V. G. Malagi

V. G. MALAGI

Asstt. Director (Engg.)

©/O CE (NEZ) AIR & TV

Guwahati-781006

- 22
Annexure - 8
- 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 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

Self attested

V. G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/O-CE (NEZ) AIR & TV
Guruhati-781008

APPENDIX XII

TRANSFER POLICY

General

1. Transfer policy and the instructions issued by the Department of Personnel and Training in the matter of transfers, are in the nature of guidelines and are not mandatory. These guidelines have been prescribed for the career development of the officers governed by the transfer policy and in the interest of work.

Tenure

2. For purposes of transfer, various stations and offices of All India Radio have been divided into three categories viz. 'A', 'B' and 'C'. The general principles of transfers and the categorisation of stations/offices are given in Annexure I.
3. The normal tenure at stations/offices categorised as 'A' and 'B' is four years. The tenure at category 'C' stations/offices is two years. Category 'C' stations are known as 'difficult stations' and after completion of tenure at these difficult stations, the officers are entitled to a choice posting. For this purpose, they are required to indicate three stations/offices of their choice, at different stations, in order of preference, for consideration and implementation as far as possible.
4. At CBS Centres, Central Sales Unit and Vividh Bharati, the tenure has been kept as three years. Earlier at these stations/offices, the tenure was four years. However, a Committee which had gone into the functioning of the CBS Centres, recommended that the officers posted at these offices may be transferred after three years. The provisions contained in Annexure I, in the matter of transfers of personnel posted at CBS Centres, stand modified in the matter of tenure from four years to three years. The recommendations of the Committee are reproduced below:

Transfer Liability

5. Practically, all officers of Group 'A' and Group 'B' gazetted posted at stations are governed by all India transfer liability. Group 'C' officers have zonal transfer liability.

Tenure at stations in the North East

6. A substantial number of AIR stations/offices are located in the North-eastern region. For Central

Self attested
V. G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/CE (NEZ) AIR & TV
Guwahati-781006

ANNUAL

ing of wife and husband together

Government have issued instructions that an effort should be made to post wife and husband together at one station/office, subject to administrative constraints and public interest. These instructions are given in Annexure III.

TA/DA, Joining time to transferees:

Normally, officers are transferred only after completion of their tenure and are entitled to TA/DA joining time as admissible under rules. However, in public interest it sometimes becomes necessary to transfer officers before the completion of their tenure. Such officers are also entitled to TA/DA, joining time as admissible under rules.

In exceptional cases, requests for transfer before the completion of tenure on compassionate grounds are considered on merits. In such cases, no TA/DA, joining time is admissible.

Stations of AIR:

For purposes of tenure, all new stations of AIR are categorised by the Directorate in consultation with the Ministry of I&B for regulating transfers of staff posted at such stations. Till such stations are categorised, the tenure is treated as four years, unless they fall in any of the above categories like CBS Centres, North-East etc. where tenure is governed by the general instructions already issued on the subject.

High Court Ruling on Transfers:

Reproduced below is an extract from judgment of High Court of Karnataka on the issue of transfers

As held by the Supreme Court in Shantikumari Vs. Regional Deputy Director of Health Services, Raichur Division, AIR 1981, Supreme Court 1577, it is not open for this Court to interfere in the matter of transfer and that any grievances of a Civil Servant in the Matter of transfer has to be considered by the Government Authority".

Madhy. Man. No. 1019/9/84-Scor dated-7.4.1984.

Self attested
V. G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/O-CE (NEZ) AIR & TV
Guwahati-781006

25

From,

V.G. MALAGI
Assistant Station Engineer
All India Radio, Visakhapatnam

To,

The Director General
Kind: Atten Sri Rambilas, DDA(E)
All India Radio, Akashvani Bhavan,
Sansad Marg, - New Delhi-110001

(Through Proper Channel)

Sub: Request for transfer to Zonal Office North East (Guwahati NE)
and TA, DA - reg.

Ref: No. 2/1/2003-S III dt 25.06.2003

Sir,

In continuation to the above cited reference, it may please be recalled that, I came transfer from AIR Mysore to AIR Visakhapatnam in October 2002 without TA, DA and transfer TA & DA drawn in May 99 (while on transfer from DDK Guwahati to Mysore). I have completed 4 years after drawing the transfer grant. I am requesting transfer to Guwahati, not only on self-interest but also on public-interest (because I am asking transfer to NE where no one is interested to go and also many posts are vacant). If I have to go without TA&DA to Guwahati, that is more than 2000 km, I shall have to incur a heavy financial loss. The directorate may please be kind enough to consider sympathetically transfer with TA & DA as I have completed the period of 4 years after drawing transfer incidentals and I am requesting to NE.

The case may please be considered favorably.

I shall be thankful for the act of kindness.

Thanking you,

Yours faithfully

V.G. Malagi

(V.G.MALAGI)

Self attested
V.G. Malagi

V. G. MALAGI
Asstt. Director (Engg)
O/O CE (NEZ) AIR & V
Guwahati-781006

Visakhapatnam
Dt: 07-07-03

Sri E. P. L.

Sri Rambilas

25/7/03

7.7.03
96



26

Annexure - 11

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO : VISAKHAPATNAM
* * * *

No. VIS-21 (VMG) / 2003-S / 1123

Dated : 09.07.2003.

The Director General
(Shri Ram Bilas,
Dy Dir Admn(Engg) - by
All India Radio,
Akashvani Bhavan,
Parliament street,
NEW DELHI - 110 001.

Sub :- Request of Shri V. G. Malagi, Assistant
Station Engineer for transfer to o/o
Chief Engineer (NEZ), Guwahati.

Ref :- Directorate's letter No. 2/1/2003-S.III,
dated 25.06.2003.

Sir,

With reference to the Directorate's letter referred to
above, please find enclosed a representation submitted by Shri V.
G. Malagi, Assistant Station Engineer, All India Radio, Visakha-
patnam **who has requested to allow T/DA for his transfer to North
East** (Guwahati as he has completed 4 years from the last date he
has drawn the transfer grant.

It is requested that further necessary action may be
taken on the above matter at an early date.

*Self attested
V.G. Malagi*

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006
2/11/03
117

Yours faithfully,

(P. Nageswara Rao)
Drawing & Disbursing Officer
For Station Director

Encls : as above

Mr. 2/11/03 etc etc

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL : ALL INDIA RADIO

NO. 9/163/99-S.III/310

New Delhi, 30.03.2005.

ORDER

Reference Shri V.G. Malagi, ADE, representation dated 17.02.2005 regarding grant of TA/DA & joining time to him on his transfer from AIR, Visakhapatnam to O/o CE(NEZ), Guwahati on his own request.

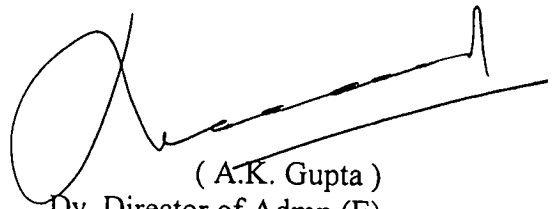
2. The transfer of Shri Malagi, ADE was done at his own request before the completion of his tenure at AIR, Visakhapatnam.

3. As per rules, no TA/DA & joining time are admissible if the transfer is done on the request of employee & before the completion of tenure. (Copy of the transfer policy of DG; AIR enclosed).

4. This condition was clearly mentioned in transfer order vide Dte.'s Order No. 38/2003-S.III, dated 06.08.2003 (Copy enclosed).

5. If transfer without TA/DA etc. was not acceptable to him, he should not have got himself relieved and joined at the new station.

6. In view of the statements mentioned above, Shri V.G. Malagi, ADE is informed that he is not entitled to TA/DA and Joining Time for his transfer from AIR, Visakhapatnam to O/o CE(NEZ), Guwahati.


(A.K. Gupta)
Dy. Director of Admn.(E)
For Director General.

Chief Engineer (NEZ),
Office of the Chief Engineer (NEZ),
All India Radio & Television,
GUWAHATI - 781 006.

Self attested
V.G. Malagi
V. G. MALAGI
Asstt. Director (Encl.)
O/O CE (NEZ)
Guwahati-781006

28
Annexure - 13
49

From,

V.G. MALAGI
Assistant Director Engineering,
O/O the Chief Engineer (NEZ),
Guwahati .- 06.

To,

The Director General,
[Kind atten: DE (EA)],
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110 001.

(Through Proper Channel)

Sub: Request for grant of TA/DA/JT on transfer to Zonal Office North East (Guwahati)
Ref: CAT (Guwahati Bench) Order dated. 09-02-05.

Sir,

With due respect the following few lines are brought to your kind perusal and sympathetic consideration.

That Sir, after joining at the Zonal office Guwahati, on transfer from AIR Vishakhapatnam, I represented through proper channel for the grant of TA/DA & JT, vide letter dt-06-10-03, dt-30-01-04, dt-21-04-04, dt-22-07-04 and 29-11-04 which were forwarded to the Directorate with due recommendation. But so far nothing is heard from the Directorate end. As I have exhausted all the sources, the only way left for me was an approach to the Honorable Court for justice. Accordingly I filed an O.A No.30 /05^{to} Honorable CAT Guwahati Bench on 04-02-05. The Honorable CAT has passed an order dated. 09-02-05 with a direction to the respondent for implementation within three months from the date of receipt of the same order.

The Honorable CAT Guwahati Bench's judgment order copy dated. 09-02-05. is therefore enclosed herewith, with a request for timely necessary action to grant TA/DA & JT please.

Thanking you,

self attested
V.G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

Your s faithfully,

Dated: - 17-02-05
Place: - Guwahati

V. G. Malagi
(V.G.MALAGI)

Annexure-14

DT. 11.4.2005

V.G. MALAGI

Assistant Director Engineering,
O/O the Chief Engineer (NEZ),
Guwahati.

The Director General,

[Kind atten : Sri A. K. Gupta, DDA(E)],
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110 001.

(Through Proper Channel)

Sub: Grant of TA DA and Joining time on transfer to Office of CE(NEZ), AIR & TV, Guwahati.

Ref: Directorate Order No. 9/163/85-S.III dated 30.3.05.

With reference to the above Directorate O. M. No., I beg to lay the following few lines for favor of your kind
usal and necessary action.

1. That Sir, a transfer of an officer out of his home State/Station is not normally called a transfer on request for the purpose of restricting of TA DA, etc. If an officer offers himself for serving in a 'C' class Station i.e. difficult place like in North East, away from home State, such transfer should be treated as in public interest which I have understood by going through AIR Manual of Vol. II, Part II, page 314 & 317. My home State is Karnataka. I did not represent for transfer to any AIR Station in Karnataka. But I volunteered to serve once again in difficult region like North East, and accordingly I indicated my interest for transfer to the Office of CE (NEZ). Therefore, it was un expected to get transfer order without TA/DA to an officer like me volunteering to serve the N.E. Region.
2. That Sir, It is true that Directorate vide O. M. No. 2/1/2003-S.III/421 dated 25.6.2003 asked me to furnish one undertaking to forgo TA DA but I did not furnish any undertaking to forgo TA DA, rather I represented for grant of TA DA vide my letter dated 07.7.2003 forwarded by the Superintending Engineer, All India Radio, Visakapatnam vide letter No. VIS-21(VGM)/2003-S/1123 dated 09.7.03.
3. That Sir, it is not true that I sought for transfer to North East untimely before completion of tenure. I have completed more than 4 years together at Mysore and Visakapatnam before transfer to this office.
4. That Sir, I was not relieved from AIR, Visakapatnam at my insistence. I was relieved by the Station Authority of AIR, Visakapatnam as per Directorate verbal instruction on 26.8.03 followed by written instruction vide O. M. No. 2/1/2003-S.III(Pt.III)/578 dated 24.9.2003 (copy enclosed). When I was not interested for transfer without TA DA and joining time, the question of insisting my release on transfer without TA DA, etc. does not arise.

In view of the above facts, it is clear that I am entitled to TA DA and joining time which may kindly be granted to without further hesitation within 1(one) month from the date of receipt of this communication.

Thanking you,

Self attested
V.G. Malagi

Yours faithfully,

V.G. Malagi
(V.G. MALAGI)

cc: As above.

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

To,
The Director General
(By name Sri A.K. Gupta, DDA (E))
All India Radio, Akashvani Bhavan
Parliament Street
New Delhi-110001

*Sub: - Grant of TA/DA /JT on transfer from AIR Visakhapatnam to
O/o The CE (NEZ) Guwahati.*

Ref: - 1. CAT Guwahati bench Judgment dated, 09/02/2005, on O.A. No. 30/2005
2. Directorate letter No. 9/163/99-S.III./310 dated. 30/03/2005.
3. Directorate letter No. 9/163/99-S.III, dated. 30/05/2005.

Sir,

I have gone through the above Directorate letters received through CE (NEZ) AIR & TV, Guwahati, but I could not be satisfied with the reason put forward in the Directorate letters. Being still aggrieved, I beg to lay the following few lines for your kind reconsideration & necessary action.

That Sir, I do agree that a request or an option for transfer outside hometown can also be called a transfer on request but not for the purpose of disallowing TA, DA as per actual sense of the term. No doubt I offered myself for posting in NE Region a C category and difficult place but I did not furnish any undertaking to forgo TA DA. Rather, I specifically asked for transfer TA DA vide my letter dt. 07/07/2003 which was forwarded to Directorate in response to their letter no 2/1/2003-S.III/421, dated. 25/6/2003 by the Office of AIR Visakhapatnam vide letter NoVIS-21 (VGM)/2003-S/1123, dt. 09/07/2003. It is not understood as to how an officer who has asked for TA DA on transfer as per rule has been forced to forgo the same at the suit will of some one with negative attitude at the Directorate.

That Sir, As Directorate says, a request for transfer to place of choice is not binding. Such request for transfer is considered to the extent it is possible. But it does not mean that the officer whenever posted to place of choice is required to forgo TA DA. Normally the officer is not forced to proceed on transfer without TA DA. In some cases, the authority may ask the applicant as in my case to furnish an undertaking to for go TA DA before issue of transfer order, and in such case, transfer order is issued only when the applicant is ready to forgo TA DA. In my case, I did not furnish any undertaking to forgo TA DA on transfer to the office of CE (NEZ) AIR & TV, Guwahati. Therefore, I should not have been transferred if Directorate was not interested to allow me TA DA.

*self attested
V. G. Malagi*

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

31/

That Sir, Directorate says that it was clearly mentioned in my transfer order that no TA /DA would be entitled to me. Yes, it was mentioned like that but I myself was not the relieving authority. I was relieved by the station authority of AIR Visakhapatnam as per Directorate telephonic instruction on 26/08/2003 when I was present at the Directorate, followed by **Directorate written instruction vide order no. 2/1/2003-S.III (Pt.III)/578 dated. 24/09/2003**

That Sir, It is not understood as to why the period of stay at AIR, Mysore & Visakhapatnam cannot be counted together. When I was earlier transferred from AIR Mysore to AIR Visakhapatnam without TA DA there does not seem to have been any legal hurdle to allow me TA DA on subsequent transfer to Guwahati after a total period of 4.3 years stay (3 years 4 months at AIR Mysore and 11 months at Visakhapatnam). As per rule, TA DA can be allowed for transfer even within 6 months which is of course without transfer lump-sum grant. **Therefore, only for lack of will and positive attitude of some one in the Directorate, I should not be subjected to unnecessary harassment i.e. to force me to come on transfer to C category place of 3000 km away at own cost. In this connection, Hon'ble CAT in the judgment on O.A. No. 30/2005, dated. 09/02/2005 under para V has clearly stated that for acceptance of transfer, one cannot be allowed to suffer in terms of non-grant of TA DA, that too when he did not submit any undertaking to forgo TA DA on transfer to the office of CE (NEZ).**

Under the above circumstances, **it is clear that I have been transferred at the behest of the Directorate,** and therefore I once again request you to kindly allow me TA DA without any more hesitation within 30 days of receipt of this representation, so that I am not required to file any more suit in the Court of Law for the sake of justice and mitigation of sufferings.

Thanking You,

Date:-15/06/2005

Place: - Guwahati.

Yours faithfully



(V.G. MALAGI)

Assistant Director (Engineering)

O/o the CE (NEZ) AIR & TV

Guwahati-6

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL : ALL INDIA RADIO

NO. 9/163/99-S.III

New Delhi, 30.05.2005.

Subject : Grant of TA/DA etc. to Shri V.G. Malagi, ADE on transfer from AIR, Visakhapatnam to O/o CE(NEZ) Guwahati.

Reference O/o CE(NEZ), Guwahati's letter No. CE(NEZ)21(2)/2005-S dated 12.4.05 forwarding the representation dated 11.4.05 of Shri V.G. Malagi, ADE on the above subject.

2. The parawise comments on the above said representation are given as under :

- i. It is wrong to say that a transfer of an officer outside of his home town/state is not called a transfer on request. The cadre of ADE is an All India cadre the incumbent can be transferred to any where in India. The request posting/transfer will be considered as transfer on request.
- ii. As regards copy of AIR, Manual forwarded by Shri Malagi it is stated that nowhere it has been mentioned that the transfer on request outside the home state is not to be treated as transfer on request. It only states that if an official offers himself for posting at a 'C' category station, to the extent possible, such an offer would be accepted. Thus even this request is not binding on the Department.
- iii. In the transfer order of Shri Malagi it was clearly mentioned that he will not be entitled to TA/DA/joining time etc.
- iv. Shri V.G. Malagi joined at AIR, Visakhapatnam on 17.10.2002 and was transferred to O/o CE(NEZ) Guwahati vide order dated 6.8.2003 and relieved on 17.09.03. Thus he was transferred without completion of his tenure at Visakhapatnam.
- v. The period of stay at Mysore & Visakhapatnam cannot be counted together as these are two different stations not in the same Municipality.
- vi. There were no verbal instruction from the Directorate. His transfer order was issued on 6.8.2003

3. In view of the statements mentioned above, Shri V.G. Malagi, ADE is not entitled to TA/DA and Joining Time for his transfer from AIR, Visakhapatnam and this may be conveyed to him and his dated acknowledgement sent to this Directorate.

(A.K. GUPTA)
DY. DIRECTOR OF ADMN.(E)

✓ Chief Engineer (NEZ),
Office of the CE(NEZ),
All India Radio & Doordarshan
GUWAHATI - 781 006.

Self attested
V.G. Malagi
V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

DT. 06-10-2003

From,

V.G. MALAGI
Assistant Director Engineering,
O/O the Chief Engineer (NEZ),
Guwahati.

To,

The Director General,
[Kind atten : Sri Ram Bilas, DDA(E)],
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110 001.

(*Through Proper Channel*)

Sub : Request for grant of TA/DA/JT on transfer to Zonal Office North East (Guwahati) – reg.

Ref : i) Directorate letter No.2/2/2003-S.III/421 dated 25.06.2003
ii) My representation dated 07.07.2003
iii) Forwarding letter dated 09.07.2003
iv) Transfer order No. 2/1/2003-S.III dated 06.08.2003.

Sir,

With due respect I may please be permitted to bring the following few lines for your kind consideration for grant of TA/DA etc on transfer to Zonal office (NE), Guwahati.

After submission of my application for transfer/posting to o/o CE(NEZ), AIR & TV, Guwahati I was asked to submit one undertaking for not claiming the TA/DA/Joining Time vide Dte. Letter under reference at (i) before issue of my transfer order from the Directorate. As a reply to this Directorate, I did not submit any such undertaking. I requested through representation dated 07.07.2003 (copy enclosed) for grant of TA/DA/JT on transfer on the following grounds that :

- i) this was the transfer 4 years after drawing the TA/DA.
- ii) it was a transfer to NEZ where usually staff is not interested to take transfer it being difficult & 2000 km away &
- iii) it would be big loss if I was forced to take transfer without TA/DA etc. Since my earlier transfer from AIR, Mysore to AIR, Visakhapatnam was also without TA/DA/JT.

It is not understood as to how I was transferred to this office without TA/DA etc inspite of my specific request for the same.

I requested for transfer to NEZ as an option for the purpose of next transfer/posting after completion of normal period of stay at a particular station. Therefore, I request you to kindly reconsider my request for grant of TA/DA etc on transfer to the O/o the CE (NEZ), AIR & TV, Guwahati (which is 2000 km away and is a disturbed place and not my home town or place of special advantage).

self attested
V.G. Malagi

Yours faithfully,

V.G. Malagi

(V.G. MALAGI)

Assistant Director (Engineering),
O/o the Chief Engineer (NEZ),

Encl : As above.

Annexure - 18 54

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REMAINDER
DT. 30-01-04

From,

V.G. MALAGI
Assistant Director Engineering,
O/O the Chief Engineer (NEZ),
Guwahati.-06

To,

The Director General,
[Kind atten : Sri Ram Bilas, DDA(E)],
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110 001.

(Through Proper Channel)

Sub : Request for grant of TA/DA/JT on transfer to Zonal Office North East (Guwahati) – reg.

- Ref :
- i) Directorate letter No.2/2/2003-S.III/421 dated 25.06.2003
 - ii) My representation dated 07.07.2003
 - iii) Forwarding letter dated 09.07.2003
 - iv) Transfer order No. 2/1/2003-S.III dated 06.08.2003.

Sir,

With due respect I may please be permitted to bring the following few lines for your kind consideration for grant of TA/DA etc on transfer to Zonal office (NE) Guwahati.

This is in continuation to my representation Dt-06-10-03 for grant of TA& DA in respect of my transfer to the Zonal office Guwahati (Difficult station), This is to inform again that, I did not furnish any undertaking to forego my TA/DA on transfer from Vishakhapatnam to Zonal office Guwahati, rather I requested to allow TA/DA wide my letter dt-07-07-03, forwarded by AIR Vishakhapatnam wide letter dt 09-07-03 in response to the Directorate letter No.2/2/2003-S.III/421 Dated 25.06.2003.

In this continuation it may be added that, I was transferred from AIR Mysore to AIR Vishakhapatnam where I joined on 16-10-2002. That time also I was not granted TA/DA although I was transferred after completing almost 3 ½ years. Now while on transfer from Vishakhapatnam to Guwahati if I am forced to forego TA/DA it will be heavy financial harassment to me for serving in North East after traveling for. May I again request you to kindly to grant TA/DA in respect of this transfer to Guwahati.

I shall be grateful if my request is granted early without any more hesitation.

Thanking you,

Self attested
V. G. Malagi

V. G. MALAGI
Asstt. Director (Engg)
O/O CE (NEZ)
Guwahati-781006

Yours faithfully,

V. G. Malagi

(V.G. MALAGI)
Assistant Director (Engineering),
O/o the Chief Engineer (NEZ),
AIR & TV : Guwahati.

-351

Annexure 19 6

By

20

**PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (NEZ)
AIR & TV : GUWAHATI**

NO. CE (NEZ)/21(2)/2004-S / 4531

3rd floor, Dr. P. Kakati's building,
Near Ganeshguri flyover,
G. S. Road, Guwahati-781 006.
Dated January 30, 2004.
(Mahadev Sarmah)
Dy. Director (Admn)
for Chief Engineer (NEZ)

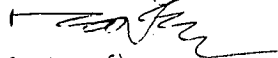
To,

The Director General,
[Kind atten : Sri Ram Bilas, DDA(E)],
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110 001.

Sir,

A representation received from Sh.V.G.Malagi is forwarded herewith. It is requested that he may kindly be allowed the TA/DA in view of the fact that, he has been transferred to this office after a span of almost 4 1/2 years service at AIR Mysore and AIR Vishakhapatnam. It is seen from records that he had opted for transfer to North East with TA/DA. He specifically requested for TA/DA vide a representation which was duly forwarded by the AIR Visakhapatnam.

your faith fully



(Mahadev Sarmah)
Dy. Director (Admn)
for Chief Engineer (NEZ)

o/c

Self attested

Self attested

V.G. Malagi

V. G. MALAGI
Asstt. Director (Unit 7)
OJO-CE (NEZ) AIR
Guwahati-781006

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Annexure-20
5

From,

V.G. MALAGI
Assistant Director Engineering,
O/O the Chief Engineer (NEZ),
Guwahati. - 06.

To,

The Director General,
[Kind atten: Sri K.M.Paul, E.in.C],
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110 001.

(Through Proper Channel)

Sub: Request for grant of TA/DA/JT on transfer to Zonal Office North East (Guwahati)
Ref: Transfer order No. 2/1/2003-S.III dated 06.08.2003.

Sir,

With due respect I beg to bring the following few lines for your kind perusal and sympathetic consideration for grant of TA/DA etc on my transfer to Zonal office (NE) Guwahati.

That Sir, I was transferred vide Directorate order no.2/1/2003-S.III dated 06.08.2003 to o/o the CE (NEZ) Guwahati, but it is regretted to state that I have not been granted the TA /DA on transfer though I did not furnish any under taking to forgo TA/DA in the event of my transfer to North East Zone. When I opted for transfer from AIR Vishakhapatnam to Zonal CE's office at Guwahati, I was asked before the processing / issue of transfer order by the Directorate vide letter no.2/2/2003-S.III/421 dated 25.06.2003 to furnish an undertaking to forgo the TA/DA (with out mentioning the reason why I was not eligible for TA/DA). But I did not furnish any undertaking to this effect. I rather represented for transfer with TA/DA vide my letter dated. 07.07.2003 forwarded through AIR Visakhapatnam, covering letter No.VIS-21(VGM)/2003-s/1123. dt.09-07-03. As such it is not understood as to why TA/DA & JT was disallowed when I have not at all given the under taking to forgo the same.

That Sir, I have served at DDK Guwahati for the period from Jan 1997 to May 1999 (two and half years). Thereafter I was transferred to AIR Mysore where I joined on 02-06-99. After 3 ¼ years service at AIR Mysore, I was transferred to AIR Vishakhapatnam with out TA/DA on the plea that I did not complete 4 years stay at AIR Mysore to, which I did not object. But this time my transfer from AIR Vishakhapatnam to the o/o the CE (NEZ) Guwahati with out TA/DA & JT is very painful. I should get the transfer incidentals when I opted for this transfer after total 4 years 4 months after drawing the transfer incidentals and that too I was transferred against my willing to forgo the transfer incidentals.

That Sir, after joining at the Zonal office Guwahati, I represented through proper channel again vide letter dt-06-10-03. A remainder was also issued to the Directorate vide letter dt-30-01-04 but till date nothing is heard from the Directorate about the grant of TA /DA.

That Sir, I wish to clarify, in this connection, that Guwahati is neither my hometown nor it is a place of Roses. It is still a difficult place. I opted for Guwahati the difficult station to get my transfer early and to get rid of the Superintending Engineer AIR Vishakhapatnam who is always creating problems under the continues state of intoxication for those who did not move wit him in hand in glove. A copy of my letter dt-23-01-03 to the Superintending Engineer and The Station Director of AIR Vishakhapatnam on incident that took place during my stay at Vishakhapatnam is enclosed here with in support of the background for which actually I applied for transfer form Vishakhapatnam.

Under the above circumstances it is requested to kindly look in to the matter and order for the grant of transfer TA /DA & JT at an early date.

Thanking you,

self attested

V.G. Malagi
V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

Your s faithfully,

V.G. Malagi
V.G.MALAGI

Dated: - 21-04-04
Place: - Guwahati

Encl: - As above

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Annexure - 21

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NO. CE (NEZ)/21(2)/VGM/2004-S/1657

**PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (NEZ)
AIR & TV : GUWAHATI**

3rd Floor, Dr. P. Kakati's Building,
Near Ganeshguri Flyover,
G. S. Road, Guwahati -781 006.
Dated the May 7, 2004.

The Director General,
[By Name : Sri Ram Bilas, DDA(E)],
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi-110 001.

Sub : Request for grant of TA/DA etc on transfer from AIR,
Visakhapatnam to Sri V. G. Malagi, Asstt. Director (Engg.).

Sir,

A representation dated 21/04/2004 submitted by Sri V. G. Malagi, ADE of
this office for grant of TA/DA & Joining time on transfer from AIR, Visakhapatnam is
forwarded herewith for kind consideration.

Mr. Malagi, ADE while opting for transfer to the North East after about
4½ years stay in AIR, Mysore & Visakhapatnam did not furnish any undertaking to forgo
TA/DA in response to the DG's Memo No.2/1/200-3-S.III dated 25/6/03. As such he is
entitled to TA/DA etc on his transfer to this office.

It is requested that Directorate approval for payment of TA/DA etc to
Mr. Malagi, ADE may please be communicated at an early date.

Self attested

Yours faithfully,

Encl : As above.

V. G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781003

RM

(R. K. Sinha)
Director (Engineering)
for Chief Engineer (NEZ)

सर्वोपरि निदेशित अनुसार
77F

From,

V.G. MALAGI
Assistant Director Engineering,
O/O the Chief Engineer (NEZ),
Guwahati - 06.

To,

The Director General,
[Kind atten: Sri Ranveer Singh DE (EA),
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110 001.

(Through Proper Channel)

Sub: Request for grant of TA/DA/JT on transfer to Zonal Office North East (Guwahati)
Ref: Transfer order No. 2/1/2003-S.III dated 06.08.2003.

Sir,

With due respect I beg to bring the following few lines for your kind perusal and sympathetic consideration for grant of TA/DA etc on my transfer to Zonal office (NE) Guwahati.

That Sir, I was transferred vide Directorate order no.2/1/2003-S.III dated 06.08.2003 to o/o the CE (NEZ) Guwahati, but it is regretted to state that I have not been granted the TA /DA on transfer though I did not furnish any under taking to forgo TA/DA in the event of my transfer to North East Zone. When I opted for transfer from AIR Vishakhapatnam to Zonal CE's office at Guwahati, I was asked before the processing / issue of transfer order by the Directorate vide letter no.2/2/2003-S.III/421 dated 25.06.2003 to furnish an undertaking to forgo the TA/DA (with out mentioning the reason why I was not eligible for TA/DA). But I did not furnish any undertaking to this effect. I rather represented for transfer with TA/DA vide my letter dated. 07.07:2003 forwarded through AIR Visakhapatnam, covering letter No.VIS-21(VGM)/2003-s/1123. dt.09-07-03. As such it is not understood as to why TA/DA & JT was disallowed when I have not at all given the under taking to forgo the same.

That Sir, I have served at DDK Guwahati for the period from Jan 1997 to May 1999 (two and half years). Thereafter I was transferred to AIR Mysore where I joined on 02-06-99. After 3 ¼ years service at AIR Mysore, I was transferred to AIR Vishakhapatnam with out TA/DA on the plea that I did not complete 4 years stay at AIR Mysore to, which I did not object. But this time my transfer from AIR Vishakhapatnam to the o/o the CE (NEZ) Guwahati with out TA/DA & JT is very painful. I should get the transfer incidentals when I opted for this transfer after total 4 years 4 months after drawing the transfer incidentals and that too I was transferred against my willing to forgo the transfer incidentals.

That Sir, after joining at the Zonal office Guwahati, I represented through proper channel again vide letter dt-06-10-03. A remainder was also issued to the Directorate vide letter dt-30-01-04. again represented on 21-04-04 but till date nothing is heard from the Directorate about the grant of TA /DA.

That Sir, I wish to clarify, in this connection, that Guwahati is neither my hometown nor it is a place of Roses; It is still a difficult place. I opted for Guwahati the difficult station to get my transfer early and to get rid of the Superintending Engineer AIR Vishakhapatnam who is always creating problems under the continues state of intoxication for those who did not move with him in hand in glove. A copy of my letter dt-23-01-03 to the Superintending Engineer and The Station Director of AIR Vishakhapatnam on incident that took place during my stay at Vishakhapatnam is enclosed here with in support of the background for which actually I applied for transfer form Vishakhapatnam.

Under the above circumstances it is requested to kindly look in to the matter and order for the grant of transfer TA /DA & JT at an early date.

Thanking you,

Dated: - 22-07-04
Place: - Guwahati

Encl: - As above

Self attested
V.G. Malagi
V.G. MALAGI
Asstt. Director (Engg.)
O/O-CE (NEZ) AIR & TV
Guwahati-781006

Your s faithfully,

V.G. Malagi
V.G.MALAGI

-39- / Arman-23

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (NEZ).
AIR & TV : GUWAHATI

No. CE (NEZ)/21(2)/2004 -S /2640

3rd Floor, Dr. P. Kakati's Building,
Near Ganeshguri Flyover,
G. S. Road, Guwahati-781006,
Dated the 23rd July, 2004.

To,
The Directorate General,
(Kind attention Shri O. P. Guliani, DDA,S-IV(B),
All India Radio,
Akashvani Bhavan, Parliament Street,
New Delhi - 110001.

Sub : Request for grant of TA/DA/ JT Mr. Malagi, ADE on
transfer from AIR, Vishakhapatnam to CE (NEZ),AIR & TV,
Guwahati.

Ref : This office letter of even no. dt.30/01/04 & 07/05/2004.

Sir,

Mr. V. G. Malagi, ADE at this office has submitted one more
representation for grant of TA DA etc. on transfer and the same is forwarded herewith.

His case for grant of TA DA & JT on transfer from AIR Vishakhapatnam
to this office has been examined in details at this office and found that he took this
transfer after more than 4 yrs. stay both at AIR, Mysore & AIR, Vishakhapatnam and he
did not furnish any undertaking to forgo TA DA etc. Hence his request for grant of TA
DA & JTetc. was recommended from this office vide letters of even Nos dt.30/01/04 and
dt. 07/05/2004 under reference but nothing is heard from Dtc. till date.

It is, therefore, requested that Directorate approval or otherwise in the
matter may please be conveyed at an early date for onward information to Mr. Malagi,
ADE.

Yours faithfully,

Encl: As above

sd/-
(Mahadev Sarmah)
Dy. Director (Admn.)
for Chief Engineer (NEZ)

✓ Copy to : Shri V. G. Malagi, ADE, O/o the CE (NEZ), AIR & TV, Guwahati - 6.

Self attested
V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

[Signature]
for Chief Engineer (NEZ)

From:

V.G. MALAGI
Assistant Director Engineering,
O/O the Chief Engineer (NEZ),
Guwahati - 06.

To,

The Director General.
[Kind atten: DE (EA)],
All India Radio. Akashvani Bhavan.
Sansad Marg. New Delhi-110 001.

(Through Proper Channel)

Sub: Request for grant of TA/DA/JT on transfer to Zonal Office North East (Guwahati)
Ref: Transfer order No. 2/1/2003-S.III dated 06.08.2003.

Sir,

With due respect I beg to bring the following few lines for your kind perusal and sympathetic consideration for grant of TA/DA etc on my transfer to Zonal office (NE) Guwahati.

That Sir, I was transferred vide Directorate order no.2/1/2003-S.III dated 06.08.2003 to o/o the CE (NEZ) Guwahati. but it is regretted to state that I have not been granted the TA /DA on transfer though I did not furnish any under taking to forgo TA/DA in the event of my transfer to North East Zone. When I opted for transfer from AIR Vishakhapatnam to Zonal CE's office at Guwahati. I was asked before the processing / issue of transfer order by the Directorate vide letter no.2/2/2003-S.III/421 dated 25.06.2003 to furnish an undertaking to forgo the TA/DA (with out mentioning the reason why I was not eligible for TA/DA). But I did not furnish any undertaking to this effect. I rather represented for transfer with TA/DA vide my letter dated. 07.07.2003 forwarded through AIR Visakhapatnam, covering letter No.VIS-21(VGM)/2003-s/1123. dt.09-07-03. As such it is not understood as to why TA/DA & JT was disallowed when I have not at all given the under taking to forgo the same.

That Sir, I have served at DDK Guwahati for the period from Jan 1997 to May 1999 (two and half years). Thereafter I was transferred to AIR Mysore where I joined on 02-06-99. After 3 ¼ years service at AIR Mysore, I was transferred to AIR Vishakhapatnam with out TA/DA on the plea that I did not complete 4 years stay at AIR Mysore to, which I did not object. But this time my transfer from AIR Vishakhapatnam to the o/o the CE (NEZ) Guwahati with out TA/DA & JT is very painful. I should get the transfer incidentals when I opted for this transfer after total 4 years 4 months after drawing the transfer incidentals and that too I was transferred against my willing to forgo the transfer incidentals.

That Sir, after joining at the Zonal office Guwahati, I represented through proper channel ~~again~~ vide letter dt-06-10-03. A remainder was also issued to the Directorate vide letter dt-30-01-04. represented on 21-04-04 and ~~again~~ on 22-07-04. but till date nothing is heard from the Directorate about the grant of TA /DA.

That Sir, I wish to clarify, in this connection, that Guwahati is neither my hometown nor it is a place of Roses; It is still a difficult place. I opted for Guwahati the difficult station to get my transfer early and to get rid of the Superintending Engineer AIR Vishakhapatnam who is always creating problems under the continues state of intoxication for those who did not move with him in hand in glove. A copy of my letter dt-23-01-03 to the Superintending Engineer and The Station Director of AIR Vishakhapatnam on incident that took place during my stay at Vishakhapatnam is enclosed here with in support of the background for which actually I applied for transfer form Vishakhapatnam.

Under the above circumstances it is requested to kindly look in to the matter and order for the grant of transfer TA /DA & JT at an early date. ~~With in 30 days of receipt of this representation, failing which I am forced to knock the door of the Hon. C.A.T. for the justice.~~

Thanking you,

Self attested
V.G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781006

Your s faithfully.

V.G. MALAGI
V.G.MALAGI

Dated: - 29-11-04
Place: - Guwahati

Annexure 21

No. CE(NEZ)/21(2)/2004-S/ 5789-90

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
O/O CHIEF ENGINEER (NEZ) AIR & TV, GUWAHATI

2nd & 3rd Floor, Dr. P. Mahanta's Building,

Near Ganeshguri Flyover,

G.S. Road, Guwahati-6.

Dated the 3rd December, 2004.

To
The Director General.
(Kind atten:By name- Shri Ranveer Singh, DE(EA)).
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110001.

Sub:-Representation from Shri V.G. Malagi, ADE for grant of TADA/TT
On transfer from AIR, Vishakhapatnam to the office of the CE(NEZ),
AIR & TV, Guwahati.

Sir,

Kind reference is invited to this office letter of even No. dated 23rd July, 04
7th May, 04 & 30th June, 04. In this connection Shri V.G. Malagi, ADE has submitte
one more representation dated 29.11.2004 for grant of TADA and joining time. The
same is forwarded herewith for your kind consideration.

Yours faithfully

Encl:-As above

sd/-
(Mahadev Sarma)
Dy. Director (Admin)
for Chief Engineer (NEZ)

Copy to :- Shri V.G. Malagi, ADE, O/O the CE(NEZ), AIR & TV, Guwahati-6.

Self attested

V.G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/O-CE (NEZ) AIR & TV
Guwahati-781006

for Chief Engineer (NEZ)

etc

जारी दिनांक Issued

42
Annexure-26
62

V.G.MALAGI
ADE, O/O The CE (NEZ)
GUWAHATI-06

Dear Shri, D.K.Bandyopadhyay sahab,

I may please be permitted to divert your kind and precious time and attention towards the grant of TA/DA/JT in view of my transfer to the Zonal office Guwahati.

This is in continuation to my previous representation Dt-06-10-03 for grant of TA& DA in respect of my transfer to the Zonal office Guwahati (Difficult station), It is requested by your honor to please verify again that, I did not furnish any undertaking to forego my TA/DA on transfer from Vishakhapatnam to Zonal office Guwahati, rather I requested to allow TA/DA vide my letter dt-07-07-03, forwarded by AIR Vishakhapatnam vide letter dt 09-07-03 in response to the Directorate letter No.2/2/2003-S.III/421 Dated 25.06.2003.It is requested by your kind self to allow the TA/DA/JT in respect of my transfer to the Zonal office Guwahati from AIR Vishakhapatnam.

I shall be grateful if my request is granted early without any more hesitation.

Thanking you with regards,

Dt-06-02-04
PI-Guwahati

V. G. Malagi

V.G.MALAGI

Self attested

V. G. Malagi

V. G. MALAGI
Asstt. Director (Engg.)
O/O CE (NEZ) AIR &
Guwahati-781006



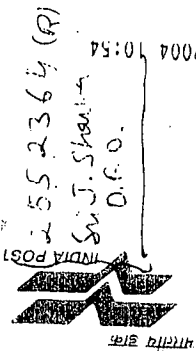
(ASSAM SACHTBAIAYA) Cntr.2
RFG 8020
NAME:D K BASOGORADHYAY,
CITY:N DELHI 1 000

INS FOR RS. 0 / P-STAMP Rs. 0
AMT: 22.00/ Gms.20M / 06/02/2004 10:54

(ASSAM SACHTBAIAYA) Cntr.2
RFG 8020
NAME:D K BASOGORADHYAY,
CITY:N DELHI 1 000
INS FOR RS. 0 / P-STAMP Rs. 0
AMT: 22.00/ Gms.20M / 06/02/2004 10:54

0361-272423

95-3671-272423(6)
C.F.
(M. Sharma)

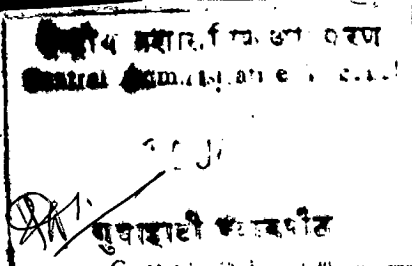


W Annam - 27/10

Sl. No.	Station	State	Remarks
1	Aizwal	MI	1 post of ASE & 1 post of AE vacant
2	Belonia	TR	1 post of SE & 1 post of AE vacant,
3	Churachandpur	MA	1 post of SE & 1 post of AE vacant
4	Dibrugarh	AS	1 post of Sg.E, 1 post of SE, 1post of ASE & 3 post of AE vacant
5	Diphu	AS	The post of ASE is vacant. Station is running with EA as Engg. Head
6	Gangtok	SI	1 post of SE & 1 post of ASE vacant
7	Guwahati	AS	1 post of SE & 3 post of AE vacant
8	Haflong	AS	1 post of SE is vacant; 1post of A E is vacant. Station is running with SEA as Engg. Head
9	Imphal	MA	1 post of Sg. Engr 1post of ASE and 4 posts of AE are vacant,
10	Jorhat	AS	1 post of SE is vacant.
11	Jowai	ME	1 post of AE is vacant
12	Kilashahar	TR	1 post of SE & 1 post of AE vacant
13	Kohima	NA	1 post of Sg. Engg., 1post of ASE & 3 post of AE are vacant.
14	Kokrajhar	AS	1 post of SE is vacant. & 1 post of AE is vacant.
15	Mokokchung	NA	1 post of SE is vacant
16	Mon	NA	1 post of AE is vacant.
17	Passighat	AR	1 post of SE, 1 post of ASE is vacant.
18	Shillong	ME	1 post of AE is vacant.
19	Silchar	AS	1 post of SE & 1 post of AE vacant.
20	Tuensang	NA	1 post of AE is vacant.
22	Tura	ME	1 post of AE is vacant.
23	Tawang	AR	1 post of ASE is vacant.
24	Williamnagar	ME	1 post of AE is vacant.
25	Ziro	AR	1 post of ASE is vacant.
26	Zonal office (NEZ)	AS	Post of 1 DE, 2 DDE. 5 ADE vacant

Self attested
V. G. Malagi

V. G. MALAGI
Asstt. Director (Engr. I)
O/o CE (NEZ), AIR & TV
Guwahati-781006



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

O.A.NO.230 of 2005

Shri V.G. Malagi : Applicant

- vs -

Union of India & Others : Respondents

Union of India & ans.
through vs Respondents
Pras Kumar Choudhary
Addl. Central Govt. Counselling Officer
10.1.06

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENT NOS. 1 AND 2.

I, SHRI MAHADEV SARMAH, Deputy Director (Admn.),

Prasar Bharati (Broadcasting Corporation of India), Office
of the Chief Engineer (NEZ), AIR & TV, Guwahati, do hereby
solemnly affirm and say as follows:

1. That I am the Deputy Director (Admn.), Prasar
Bharati (Broadcasting Corporation of India), Office of the
Chief Engineer (NEZ), AIR & TV, 2nd & 3rd Floor, Dr. P.
Kakati's Building, Near Ganeshguri Flyover, G.S. Road,
Guwahati-6, and I am fully acquainted with the facts and
circumstances of the case. I have gone through a copy of
the application and have understood the contents thereof.
Save and except whatever is specifically admitted in this
written statement and the other contentions and statements
may be deemed to have been denied. I am authorized to file
the written statements on behalf of all the respondents.

2. Parawise comments :

2.1 That with regard to the statements made in para 4 of the application, the answering respondents beg to submit that the applicant was transferred from Guwahati to AIR, Mysore on promotion vide this Directorate's Order No.33/99-A.III, dated 27.04.1999 [F.No.2/7/99-S.III] (Annexure-1) and he drew all benefits admissible under transfer policy such as TA/DA & Joining Time etc. as he was entitled for the same on account of completion of the prescribed tenure for Guwahati.

He assumed the charge as ASE at AIR, Mysore on 02.06.1999 (Annexure-2). At the time of working period in AIR, Mysore, the applicant had requested for transfer to AIR, Visakhapatnam (Annexure-3). At that time he had not completed his tenure in AIR, Mysore i.e. of 4 years. He had completed only 3 years of service in AIR, Mysore and was transferred to AIR, Visakhapatnam at his own request, vide this Directorate's Order No.49/2002-S.III [F.No.2/6/2002-S.III dated 28.03.2002 (Annexure-4).

As he was transferred on his own request and before completion of tenure from AIR, Mysore to AIR, Visakhapatnam he was not entitled for any TA/DA and Joining Time.

While working in AIR, Visakhapatnam w.e.f. 17.10.2002 (Annexure-5) the applicant had willfully asked for transfer vide his application dated 20.03.2003 (Annexure-6).

The applicant joined AIR, Visakhapatnam on 17.10.2002 and was transferred to O/o CE (NEZ), Guwahati at his own request on 06.08.2003. The prescribed tenure period at AIR, Visakhapatnam is minimum four years. Thus, the applicant had not completed his tenure period of four years and only served AIR, Visakhapatnam for 9 ½ months. According to the provisions contained in the transfer policy, he is not entitled to any TA/DA and Joining Time etc. because of non-completion of tenure period at AIR, Visakhapatnam and the fact that this transfer was at his own request (Annexure-7).

The transfer of the applicant from AIR, Visakhapatnam to O/o CE (NEZ), Guwahati was effected on his own request and the Department had acceded to his choice as requested by him, by transferring him to the Zonal Office, Guwahati.

The transfer of the applicant was effected from AIR, Mysore to AIR, Visakhapatnam due to his own request and so also from Visakhapatnam to O/o CE (NEZ), Guwahati was effected on his own request. In the transfer policy, there is no provision to count together the stay period at two or more stations as claimed by Shri Malagi in his representation.

2.2 That with regard to the statements made in para 4.A of the application, the answering respondents beg to submit that the applicant, while working in AIR, Visakhapatnam w.e.f. 17.10.2002 (Annexure-5), had willfully

asked for transfer vide his application dated 20.03.2003 (Annexure-6).

2.3 That with regard to the statements made in para 4.B of the application, the answering respondents beg to submit that the transfer of the applicant from AIR, Visakhapatnam to O/o CE (NEZ), Guwahati was effected on his own request and the Department had acceded to his choice as requested by him, by transferring him to the Zonal Office, Guwahati. In his request for transfer to O/o CE (NEZ), Guwahati, the applicant had clearly stated that he wants to avail NE quota for his daughter's higher education. Thus his request for transfer to North East was for his personal benefits and not for in the public interest.

2.4 That with regard to the statements made in para 4.C of the application, the answering respondents beg to reiterate the reply given in para 2.1 above.

2.5 That with regard to the statements made in para 4.D of the application, the reply given in para 2.1 above is reiterated.

2.6 That with regard to the statements made in para 4.E of the application, the respondents deny the same.

2.7 That with regard to the statements made in para 4.F of the application, the answering respondents beg to submit that these are matters of record.

2.8 That with regard to the statements made in para 4.G of the application, the respondents deny the contents of this para. The applicant's representations were duly replied on 30.05.2005 and 20.07.2005 vide this Directorate's file No.9/163/99-S.III (Annexure-8).

2.9 That with regard to the statements made in para 4.H of the application, the answering respondents beg to submit that these are matters of record.

2.10 That with regard to the statements made in para 4.I of the application, the respondents have no comments to make.

3. That with regard to the statements made in para 5.A of the application, the answering respondents beg to reiterate the reply given in para 2.1 above.

3.1 That with regard to the statements made in para 5.B.a of the application, the respondents deny the contents of this para. The applicant joined AIR, Visakhapatnam on 17.10.2002 and was transferred to O/o CE (NEZ), Guwahati at his own request on 06.08.2003. The prescribed tenure period at AIR, Visakhapatnam is minimum four years. Thus, the

applicant had not completed his tenure period of four years and only served AIR, Visakhapatnam for 9 ½ months. According to the provisions contained in the transfer policy, he is not entitled to any TA/DA and Joining Time etc. because of non-completion of tenure period at AIR, Visakhapatnam and the fact that this transfer was at his own request (Annexure-7). Annexure-3 of his O.A. clearly shows that his request was considered and examined. He was accordingly informed of Directorate's decision via AIR, Visakhapatnam on 24.09.2003 (Annexure-9).

3.2 That with regard to the statements made in para 5.B.b of the application, the answering respondents beg to submit that the O.A. was disposed of at the admission stage without issuing any notice to the respondents with the direction to the respondents to pass reasoned, detailed and speaking order in view of the rule position as well as law on the said subject regarding entitlement or otherwise of the TA/DA/Joining Time. This was to be done within a period of 3 months from the date of receipt of order. As per the directions of the Hon'ble CAT a speaking order was issued vide this Directorate's letter No.9/163/99-S.III/310, dated 30.03.2005 which the applicant has also annexed as Annexure-12 of the O.A.

3.3 That with regard to the statements made in para 5.B.c of the application, the respondents reiterate the reply given in para 5.B.a above.

3.4 That with regard to the statements made in para 5.B.d of the application, the respondents deny the contents of this para.

3.5 That with regard to the statements made in paras 5.B. e to g of the application, the answering respondents beg to submit that as per rules there is no provision of any sort of undertaking on this issue, however, the department doe so to avoid any litigation. Also, nowhere in the rules it is stated that unless an officer under transfer gives an undertaking to forego TA/DA and if the transfer is at his own request without completing the prescribed tenure, he is entitled to TA/DA. It is again reiterated that the petitioner was transferred at his own request and when his request was acceded to by the department he had not completed the prescribed tenure at AIR, Vishakhapatnam. Also, the order of his transfer to Guwahati clearly mentions that he will not be entitled to TA/DA/Joining Time etc. (Annexure 10). Besides, the applicant is well aware of the policy that in case of request transfer TA/DA and joining time is not permissible and this policy is applied equally on all request transfers of employees.

3.6 That with regard to the statements made in para 5.C.a of the application, the respondents deny the contents of this para to the extent that Annexure-3 of the O.A. does not talk about any telephonic instruction on 26.08.2003.

3.7 That with regard to the statements made in paras 5.C. b & c of the application, the answering respondents beg to submit that the allegations are based on presumptions and hence denied.

3.8 That with regard to the statements made in para 5.D.a of the application, the answering respondents beg to submit that this para refers to a transfer policy guidelines and has been annexed as Annexure 9 by the petitioner. The last para of this annexure is reiterated below and is self-explanatory: "Reproduced below is an extract from the judgment of the High Court of Karnataka on the issue of transfers..... As held by the Supreme Court in Shantikumari Vs. Regional Deputy Director of Health Services, Patna Division, AIR 1981, Supreme Court 1577, it is not open for this Court to interfere in the matter of transfer and that any grievance of a Civil Servant in the Matter of transfer has to be considered by the Government Authority."

3.9 That with regard to the statements made in para 5.D.b of the application, it is once again reiterated that on both the occasions i.e. from Mysore to Vishakhapatnam and from Vishakhapatnam to Guwahati the petitioner was transferred on his own request and each time he had not completed the prescribed tenure. In such an event, as per the policy guidelines, he is not entitled to TA/DA and Joining Time.

3.10 That with regard to the statements made in paragraph 5.E of the application, the respondents reiterate the comments to para 2.1 above.

3.11 That with regard to the statements made in para 5.F (wrongly shown as (D) in the O.A.), the respondents deny the contents of this para. It is to be appreciated that the department is sympathetic towards the requests/representations of its employees which is obvious from the very fact that whenever the petitioner has requested for transfer to a particular place he was transferred. However, the department is bound by certain rules and regulations which are not in favour of paying TA/DA to the petitioner when he has not completed the prescribed tenure at AIR, Vishakhapatnam from where he was transferred at his own request.

4. That with regard to the statements made in para 6 of the application, the respondents deny the contents of this para. Annexure-3 of his O.A. clearly shows that his request was considered, examined and was not acceded to. He was accordingly informed of the Directorate's decision via AIR, Visakhapatnam on 24.09.2003 (Annexure-9).

5. That with regard to the statements made in para 7 of the application, the respondents beg to submit that these are matters of record.

6. That with regard to the statements made in paras 8 and 9 of the application, the respondents beg to submit that the O.A. has no merits, as such it may be dismissed with a cost. The submissions of the applicant do not warrant issue of any interim order by this Hon'ble Court as allegations levelled by the applicant are baseless.

V E R I F I C A T I O N

I, Shri Mahadev Sarmah, Deputy Director (Admn.), Prasar Bharati (Broadcasting Corporation of India), Office of the Chief Engineer (NEZ), AIR & TV, 2nd & 3rd Floor, Dr P. Kakati's Building, Near Ganeshguri Flyover, G.S. Road, Guwahati being duly authorized and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 of the application are true to the best of my knowledge and belief, those made in paragraphs 2.1-2.10+3.1-3.11 being matters of record are true to my information derived there from and those made in the rest are humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 5th day of January ~~November~~ 2005.


DEPONENT
 महादेव शर्मा
 Mahadev Sarmah
 उप संचालक (प्रशासन)
 Dy. Director (Admn.)
 मुख्य अभियन्ता का कार्यालय (उ.पु.क्षेत्र)
 आकाशवाणी और दूरदर्शन
 O/O CE (NEZ) AIR & TV
 गुवाहाटी- 781006
 GUWAHATI-781006

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ANNEXURE-1

PRASAR BHARTI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO

No.2/7/99-S.III

New Delhi, 29.4.1999

ORDER NO.33/99-S.III

In pursuance of Ministry of I&B's Order No.15/99-B(D) dated 26.4.1999(F.No.302/4/99-B(D)) following Assistant Engineers are hereby posted on promotion on ad-hoc basis at the stations mentioned against each for a period of one year or till such time the posts are filled on regular basis, whichever is earlier, to the Junior Time Scale of Indian Broadcasting (Engg.) Services with effect from they assume the charge of the post at the place of posting:

S. No.	Name S/Shri	Present posting	Place of posting on ad-hoc promotion
1.	P.L. Gupta	LPT, Gurdaspur	AIR, Shimla
2.	V.S. Nagasayanam	DS:DDn, New Delhi	DS:DDn, New Delhi
3.	S.P. Bajaj	DDK, Jalandhar	DDK, Jalandhar
4.	G.P. Aggarwal	DDK, Delhi	DDK, Delhi
5.	C.K. Dash	LPT, Puri	DDK, Shillong
6.	N. Rangaiah	DDK, Bangalore	SPT, AIR, Bangalore
7.	D.K. Kapoor	O/o CE (NZ), AIR & TV, New Delhi	HPT, AIR, Khamrup, Delhi
8.	R.C. Jain	LPT, Swaimadhopur	HPT, AIR, Aligarh
9.	D.A. Shukla	DDK, Ahmedabad	DDK, Mumbai
10.	M.C. Sridhar	DDK, Bangalore	DDK, Bangalore
11.	P.G. Gaikwad	DDK, Nagpur	AIR, Dhule (against SE post)
12.	B.M. Kadu	LPT, Higganhat	O/o CE (WZ), AIR & TV, Mumbai (AIR Roll)
13.	Smt. R.V. Kher	AIR, Sangli	AIR, Sangli
14.	S.N. Sarmah	DDK, Buxahati	DDK, Agartala
15.	Sushit Kumar Chatterjee	DDK, Calcutta	DDK, Calcutta
16.	Smt. Seeta Lolge	DDK, Mumbai	AIR, Panaji
17.	R.S. Verma	AIR, Raipur	AIR, Nagpur
18.	A.K. Eel	PSD Unit, DS: AIR New Delhi	DS: AIR, New Delhi
19.	V. Narayan Rao	DDK, Bhubaneswar	DDK, Bhubaneswar
20.	V.P. Jain	CPC, Delhi	CPS, Delhi
21.	G.P. Jain	DDK, Delhi	DDK, Delhi
22.	G.P. Vyas	DDK, Kohima	DDK, Kohima

Contd...2/..

[Signature]

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23. Mohd. Idris Khan	VBS, AIR, Mumbai	AIR, Chhatarpur
24. R.K. Sanjoo	HPTV, Poonch	DDK, Jalandhar
25. I.B. Srivastava	DDK, Gorakhpur	AIR, Almora
26. S.C. Verma	O/o CE (NZ), AIR & TV, New Delhi	AIR, Jalandhar
27. R. Balaraman	HPT, AIR, Avadi, Chennai	AIR, Bhawanipatna
28. S. Haider Ali	DDK, Bareilly	AIR, Patna
29. V. Srinivasan	SPT, AIR, Bangalore	AIR, AIR, Bangalore
30. L. Rajasekharan	DDK, Bangalore (UDT DDK, Guwahati)	DDK, Guwahati
31. S. Gunasekharan	AIR, Tuticorin	AIR, Tiruchirappalli
32. K.V. Padmanabhan	DDK, Thiruvananthapuram	AIR, Sambalpur
33. S. Rajkumar Rao	AIR, Tirunelveli	O/o CE (R&D), AIR & DDn, New Delhi
34. Km. Meena Gupta	AIR, Kurukshetra	P&D Unit, DG: AIR New Delhi
35. Qimat Kumar	HPT, Agra	DG: DDn, Delhi
36. B.L. Jaiswal	DDK, Kohima	DDK, Kohima
37. M.S. Avadhani	LPT, Manendragarh	CP&S, Delhi
38. R. Periaswamy	AIR, Cuddapah	AIR, Brahmavar
39. Chandresh Kant	HPT, AIR, Ajmer	P&D Unit, DG: AIR, New Delhi
40. M.M. Nilangekar	DDK, Mumbai	DDK, Mumbai
41. Mohd. Yaseen	CMS, AIR, Ayanagar, New Delhi	AIR, Ambikapur
42. S.D. Rajendran	TVRE, Thiruyaiyaru	AIR, Tuticorin
43. Balraj Rajput	HPTV, Bhatinda	AIR, Rampur
44. A.A. Patel	HPT, Dwarka	HPT, Dwarka
45. A.K. Tikoo	Central Stores, Delhi	Central Stores, Delhi
46. Srikantha	LPT, Sagara	DDK, Bangalore
47. B. Ramaswamy	AIR, Hyderabad	AIR, Hyderabad
48. H. Sopalakrishnan -II	AIR, Coimbatore	AIR, Coimbatore
49. T.K. Chatterjee	LPT, Dhanbad	PPC, Guwahati
50. A. Surendran	LPT, Shoranur	DDK, Trivandrum
51. A. Sendhurapandian	O/o CE (SZ), AIR & TV, Chennai	CBS, Chennai
52. S. Gowrishankar	DDK, Chennai	DDK, Chennai
53. M.R. Bhaskarapandian	HPT, Kodiakanal	DDK, Chennai
54. Kamaljit Singh Bawa	DDK, Delhi	DDK, Delhi
55. P. Stalin	O/o CE (SZ), AIR & TV, Chennai	O/o CE (SZ), AIR & TV, Chennai (AIR Roll)
56. I.A. Hashmi	AIR, Chhatarpur	SPT, AIR, Malad, Mumbai

Contd..J/..

SCWAS

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57. C.S. Mohan	DDK, Delhi	DDK, Delhi
58. Trishpal	HPT, AIR, Khampur, Delhi	HPT, AIR, Khampur, Delhi
59. T.S. Sreekumar	LPT, Cannanor	AIR, Cannanor
60. S.B. Kulkarni-II	AIR, Vadodara	CBS, Vadodara
61. Shashi Kant Tiwari	AIR, Varanasi	P&D Unit, DG: AIR, New Delhi
62. K.J. Chaku	LPT, Riasei	DDK, Jalandhar
63. Smt. Parvathi Sankaranarayanan	DDK, Chennai	O/o CE (SZ), AIR & TV, Chennai (AIR Roll)
64. P.S. Jagtap	AIR, Solapur	AIR, Solapur
65. V. Radhakrishnan	DDK, Pondicherry	AIR, Bangalore
66. Ram Krishnan-I	DDK, Jaipur	O/o CE (WZ), AIR & DDn, New Delhi (AIR Roll)
67. D.S. Patel	DDK, Raipur	DDK, Rajkot
68. S.D. Patil	HPTV, Aurangabad	AIR, Jalandhar
69. Sunil Kumar Sharma	DDK, Delhi	DDK, Delhi
70. S.B. Carpenter	DDMC, Ratlam	O/o CE (WZ), Mumbai (TV Roll)
71. S.P. Dandwate	LPT, Shivpuri	AIR, Shahdol
72. V.K. Ravindran Achary	DDK, Thiruvanantha- puram	DDK, Thiruvananthapuram
73. S.K. Gangrade	AIR, Indore	O/o CE (WZ), AIR & DDn, Mumbai (AIR Roll)
74. Mahavir Prasad	CPC, Delhi	CPC, Delhi
75. D.N. Gupta	DDK, Delhi	CPC, Delhi
76. S.K. Mohanty	AIR, Baripada	AIR, Ranchi
77. P.K. Sen	AIR, Lucknow	AIR, Lucknow
78. K. Udayasooriyan	DDMC, Pondicherry	O/o CE (R&D), AIR & DDn, New Delhi
79. Ranjan Shatak	DDK, Raipur	DDK, Raipur
80. S.E. Dorse	AIR, Indore	AIR, Beed (against SE post)
81. R. Kulothungacholan	TVCR, Hassan	AIR, Hassan
82. R. Sekar	DDK, Mumbai	DDK, Mumbai
83. Kanwar Pal	P&D Unit, DG: AIR, New Delhi	P&D Unit, DG: AIR, New Delhi
84. V.K. Kharbanda	O/o CE (R&D), AIR & DDn, New Delhi	O/o CE (R&D), AIR & DDn, New Delhi
85. Ratnakar Singh	P&D Unit, DG: AIR, New Delhi	P&D Unit, DG: AIR New Delhi
86. S.B. Patil	LPTV, Dandi	O/o CE (WZ), AIR & DDn, Mumbai (AIR Roll)
87. P.M. Sudhakaran	LPTV, Vidyanagar Shimoga	AIR, Kurseong
88. Subhash Gupta	LPT, Jind	DDK, Pitam Pura Delhi

Contd..4/..

GCOW



88. M. Palaniswamy	HPTV, DD, Rameswaram	AIR, Calcutta
89. S.R. Mulge	HPTV, Ambajogai	AIR, Bhubaneswar
90. Smt. Surjit Sriastava	DDK, Lucknow	AIR, Bhubaneswar (against SE posts)
91. A.K. Baghel	LPTV, Malanjkhand	HPTV, AIR, Bhubaneswar
92. S.K. Mukhopadhyay	O/o CE (EZ), AIR & TV, Calcutta	O/o CE (EZ), AIR & TV, Calcutta (against SE posts)
93. Smt. Ratna Wadga	AIR, Guwahati	CE (EZ), Calcutta
94. S.K. Wadga	CE (EZ), AIR & TV, New Delhi	CE (EZ), AIR & TV, New Delhi (V Roll)
95. Prem Chand Sharma	TVRO, Mussorie	AIR, Siliguri
96. S.P. Soel	HPT, AIR, Kingsway, Delhi	HPT, AIR, Kingsway, Delhi
97. Yogender Pal	AIR, Jaipur	DIPES, Delhi
98. Hrush Chander	DDK, Jaipur	DDK, Jaipur
99. D.K. Pandey	LPTV, Batawa	AIR, Purnia (against SE posts)
100. S. Bhooipathy	DDK, Chennai	O/o CE (R&D), AIR, New Delhi
101. S.K. Sharma	LPT, Ashok Nagar	DDK, New Delhi
102. Anamitra Kumar Das	AIR, Calcutta	AIR, Siliguri
103. S.M. Sankupadhyay	DDK, Bhopal	AIR, Shimoga
104. Anand Anya	CPC, Delhi	DDK, Delhi
105. Anil Kumar Aggarwal	PAU Unit: DG: AIR, New Delhi	HPT, AIR, Aligarh PAU Unit: DG: AIR, New Delhi
106. Smt. Udaykany	DDK, New Delhi	DDK, New Delhi
107. S.K. Abdul Kalam	DDK, Ranchi	DDK, Ranchi
108. C.G. Bhatnagar	DDK, Mohali	DDK, Ranchi
109. S.P. Khanna	AIR, Bhopal	DDK, Mohali (AIR Roll)
110. Smt. Renu Baskar	O/o CE (EZ), AIR & TV, Calcutta	O/o CE (EZ), AIR & TV, Calcutta (AIR Roll)
111. Suresh Dangi	DDK, New Delhi	DDK, New Delhi
112. S.M. Bange	LPT, Kakinada	AIR, Jamalpur
113. Smt. Chandra Singh	AIR, Alwar	PAU Unit, DG: AIR, New Delhi
114. Smt. Anshuman	DDK, Bangalore	DDK, Bangalore
115. Smt. Anshuman	LPTV, Bikaner	AIR, Yashwanthpur (against SE posts)
116. Smt. Veena Sra Rao	O/o CE (EZ), Chennai	AIR, Trichur
117. Smt. Veena Sra Rao	O/o CE (EZ), Chennai	AIR, Lunglei (against SE posts)
118. Smt. Kalpana	O/o CE (EZ), Chennai	DDK, AIR, Bangalore
119. Smt. Kalpana	DDK, Delhi	DDK, Delhi
120. Smt. Kalpana	DDK, Raigarh	DDK, AIR, Raigarh
121. Smt. Kalpana	LPT, Bana	DDK, New Delhi
122. Smt. Kalpana	PAU Unit, DG: AIR, New Delhi	PAU Unit, DG: AIR, New Delhi

S. S. S.

16

124. U.C. Jain	DS:DDn, New Delhi	DS:DDn, New Delhi
125. R.M. Mishra	AIR, Gurgaon	DS:AIR, New Delhi
126. S.K. Kadan	AIR, Indore	VES, Mumbai (against SE post)
127. S.P. Dashmukhi	SPT, AIR, Nagpur	SPT, AIR, Nagpur
128. R.N. De	AIR, Itanagar	AIR, Itanagar
129. A. Chanti Dabu	DDK, Hyderabad	AIR, Madicari
130. N.K. Prasad	LPT, Hissar	CE(NZ), AIR & TV New Delhi (TV Roll)
131. V.S. Malagi	DDK, Bikaner	AIR, Mysore
132. Swadeshwar Sahai	LPTV, Bikaner	D/o CE (P&D), AIR & DDn, New Delhi
133. T. Shammuganjan	AIR, Kohima	AIR, Kohima (against HQ transfer from Bhadranath)
134. V. Srinathrajan	DDK, Pondicherry	CE(NZ), AIR & DDn Mumbai (TV Roll)
135. Mohan Lal	DDK, Delhi	DDK, Delhi
136. Smt. M. Mani Manjiri Devi	LPTV, Yellandu	AIR, Cuddapah
137. M. Sundaram	CE(SZ), AIR & TV Chennai	CE(SZ), AIR & TV Chennai (TV Roll)
138. Hirdesh Kumar	AIR, Bhadrachalam	AIR, Kasauli
139. S.D. Bagate	LPT, Panna	AIR, Ratnagiri

2. Following transfers are also made in the grade of Junior Time Scale of IS(EIS) in the same capacity with immediate effect:-

S.No.	Name	Present posting	Transferred to
1.	Sh. Sanjay K. Mishra	AIR, Amritapur	AIR, Raipur
2.	Sh. S.S. Srivastava	AIR, Jabalpur	AIR, Bhopal
3.	Sh. D.D. Lakhan	AIR, Bhopal	AIR, Mumbai
4.	Sh. S.R. Saini	AIR, Rohtak (DOT to Sangtok)	AIR, Suratgarh
5.	Sh. S.M. Gogate	AIR, Sangli	SPT, AIR, Rajkot
6.	Sh. S. Pandey	AIR, Tiruchirappalli	AIR, Tuticorin

3. Following transfers of Assistant Engineers are also made in the same capacity with immediate effect:-

S.No.	Name	Present posting	Transferred to
1.	S.K. Bajaj	AIR, Rampur	P&D Unit (No TA/DA)

Sewas

Contd. 6/..

17

2.	O.P. Aggarwal	HPT, AIR, Aligarh	HPT, AIR, Khampur, Delhi (No TA/DA)
3.	Smt. B. Sudha	O/o CE (R&D) (UDT AIR, Shillong)	AIR, Mathura
4.	Smt. Neelam Taneja	P&D Unit	AIR, Rohtak (against ASE's post)
5.	Ram Prakash	AIR, Banswara	AIR, Alwar
6.	A.S. Suryawanshi	HPT, Malad	AIR, Sangli
7.	V. Sivarajan	O/o CE (SI)	AIR, Cuddapah

G. C. Das

(G.C. Das)

By. Director of Admn. (E)
Tele: 3710233

- To
1. Head of all stations of All India Radio.
 2. All Doordarshan Kendra/offices through DG: Doordarshan, Mandi House, New Delhi (100 copies).
 3. CE (SI) / (WZ) / (EZ) / (NZ) / R&D / STI (T), AIR, Chennai / Mumbai / Calcutta / New Delhi.
 4. Pay & Accounts Office, IRLA - Ministry of I&B, AGCR Building, New Delhi.
 5. Ministry of I&B, D(D) Section, Shastri Bhawan, New Delhi.
 6. Persons concerned through their offices.

Copy also to:-

1. PS to DG/ENC/CE (D)/CE (M)/CE (P)/CE (PC)/CE (MR)/Dir. (EA).
2. A&S/GA/Vig. Section/EDP Cell/S.I(A)/Welfare/Scor/S.V Section.
3. The General Secretary, AIR & Doordarshan Engineers' Association, HPT, All India Radio, Kingsway, New Delhi-9.
4. The General Secretary, AIR Non-Gazetted Engg. Employees Association P.O. Box No. 422, Gole Market, New Delhi.
5. The President, AIR Programme Staff Association, Broadcasting House, New Delhi.
6. The General Secretary, All India Akashvani and Doordarshan SC/ST Employees Welfare Association, 2579/2580, Bagichi Raghunath, Delhi-6.
7. The General Secretary, Graduate Engg. Association AIR/DDn., C.I, Radio Colony, Kingsway Camp, Delhi-9.
8. Personal file of person concerned.
9. Spare copies-15.

G. C. Das

(G.C. Das)

By. Director of Admn. (E)

AK Chandra

9/16

Date.02.06.1999

No.MYS.1(2)/99-S/

The Director General, (Shri.G.C.Das,DDA(E) by name), SIII,Section, All India Raio, Akashvani Bhavan, Parliament Street, NEW DELHI-110 001.

DDA(E) - enclasp

Sub: Assumption of charge as Assistant Station Engineer, All India Radio, Mysore.

5-111
5254/DDA(E)/99
7/6

Sir,

Consequent on his transfer on promotion to All In Radio, Mysore vide Directorate's order No.33/99-SIII issued in file No.2/7/99-SIII, dated.29.4.99.Shri.V.G.Malagi, Assist Engineer, Doordarshan, Guwahati has assumed the charge Assistant Station Engineer at this station on the forenoon 02.06.1999.

The Certificate of Transfer of Charge ~~is~~ enclosed.

Marked by all at date 11/6

Yours faithfully,

(Dr.M.S.Vijaya) Asst.Station Director.

Encl : As above.

Copy to for the kind information :-

- 1.The Director Generl, Doordarshan, Mandi House,Copernicus Marg, New Delhi-110 001.
- 2.The Pay and Accounts Officer, IRLA Group, Computer V Section, Min.of I & B.AGCR Building, Indraprasta Estate, New Delhi-2 along with C.T.C in duplicate.
- 3.The Chief Engineer (SZ),All India Radio & Television, Swami Sivananda Salai, Chennai- 600 005.
- 4.The Dy.Director General, Doordarshan Guwahati.
- 5.The Chief Engineer (EZ),All India Radio & Television, Eden-Garden, Calcutta-1.
- 6.The Pay and Accounts Officer (NE),Doordarshan, Edengarden, Calcutta-1.
- 7.Shri.N.G.Malagi, Assistant Station Engineer, AIR,Mysore.20.
- 8.Personal file/Service Book/Accounts Section.
- 9.All Heads of AIR/DDK/DMC/HPT in Karnataka.

DDA(E) 11/6

1069/DIA/CEA/99
11/6

No 1635/SIB/99
58/6/99

Assistant Station Direc

19

7

CERTIFICATE OF TRANSFER OF CHARGE

प्रमाणित किया जाता है कि हमने आदेश सं० _____ तारीख _____ के अनुसरण में आज पूर्वाह्न/अपराह्न में _____ पद का प्रभार क्रमशः सोप दिया गया है और ग्रहण किया है। Certified that I/we have in the fore / afternoon of this day respectively made over and received charge of the Office of ASE in pursuance of Order No. _____ Dated _____ (केवल संपरीक्षा कार्यालय में उपयोग के लिए / for use in Audit Office only).

प. आर. में पृष्ठ _____ पर नोट किया गया। Noted in A. R. at page _____

पदभार सोपनेवाले अधिकारी के हस्ताक्षर _____ Relieved Officer's Signature _____

छुट्टी लेखा में पृष्ठ _____ पर नोट किया गया। Noted in Leave Account at page _____

नाम मोटे अक्षरों में _____ Name in Block Letters _____

छुट्टी वेतन प्रमाण पत्र सेवा विवरण तारीख _____ को जारी किया गया तारीख _____ Leave Salary Certificate / Service Statement issued on _____

पदाभिधान / Designation _____ स्थान/तरण छुट्टी सेवा निवृत्ति पर जा रहा है/कमी (ii) Proceeding on transfer/leave/retirement _____

संपरीक्षक _____ अधीक्षक _____ Auditor Suptd.

सहायक महालेखापाल/A.A.G. _____ सहायक लेखा अधिकारी/A.A.O. _____

प. आर. में पृष्ठ _____ पर नोट किया गया। Noted in A. R. at page _____

पदभार ग्रहण करनेवाले अधिकारी के हस्ताक्षर _____ Relieving Officer's Signature _____

छुट्टी लेखा में पृष्ठ _____ पर नोट किया गया। Noted in Leave Account at page _____

नाम मोटे अक्षरों में _____ Name in Block Letters _____

वेतन पर्ची तारीख _____ को जारी की गयी। Pay Slip issued on _____

पदाभिधान / Designation _____ स्थान / Station _____ AIR _____ तारीख / Date _____ 02-06-99

संपरीक्षक _____ अधीक्षक _____ Auditor Suptd.

सहायक महालेखापाल/A.A.G. _____ सहायक लेखा अधिकारी/A.A.O. _____

संपरीक्षक _____ अधीक्षक _____ Auditor Suptd.

सहायक महालेखापाल/A.A.G. _____ सहायक लेखा अधिकारी/A.A.O. _____

संपरीक्षक _____ अधीक्षक _____ Auditor Suptd.

सहायक महालेखापाल/A.A.G. _____ सहायक लेखा अधिकारी/A.A.O. _____

Memo of the balances for which responsibility is accepted by the Officer receiving charge.

वजाना अतिशेष/Treasury Balance:—

रोकड़/Cash:—

अफीम/Opium

स्टाम्प और दियाशलाइयों के उत्पादक बंधरोल:— Stamps and Match Excise Banderols:—

स्थायी अग्रिम/Permanent Advances :-

जहाँ पदभार का हस्तांतरण सक्षम प्राधिकारी द्वारा औपचारिक आदेशों के जारी होने से पूर्व होता है, वहाँ उस आशय का युक्तियुक्त संकेत दिया जायेगा।

•Where transfer of charge precedes the issue of formal orders by the competent authority, a suitable indication to that effect may be given.

ब्योरे के लिए पृष्ठों में देखें/For details see overleaf

को अग्रणीत/Forwarded to

Handwritten signature and stamp: A.C. G.S.O.

पदभार सोपने वाला अधिकारी/Relieved Officer

पदभार ग्रहण करने वाला अधिकारी/Relieving Officer

पदभार ग्रहण करने वाला अधिकारी/Relieving Officer

पदभार ग्रहण करने वाला अधिकारी/Relieving Officer

205(1)

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
OFFICE OF THE CHIEF ENGINEER(SZ)
ALL INDIA RADIO AND TELEVISION
SWAMY SIVANANDA SALAI, CHEPAUK
CHENNAI - 600 005

No. CESZ/SMT/27-M/2002 *1164*

4/7/2002

The Director General
(Kind Attn: Shri K.C.Khosla, Director(EA))
All India Radio
Akashvani Bhavan
NEW DELHI - 110 001

Sub: Transfer representation of Shri V.G.Malagi,
ASE AIR Mysore - reg

Sir,

Please find enclosed herewith a representation received from Shri V.G.Malagi, ASE AIR Mysore requesting for transfer to AIR Visakhapatnam which is self-explanatory. It is recommended that his case for transfer may please be considered favourably. In case he is transferred a substitute would be required to be posted to AIR Mysore in order to manage the engineering activities there. It is also brought to Directorate's notice that 10 KW FM Transmitter is under installation at Studio site and it is likely to be commissioned shortly. Hence, posting of a substitute ASE would be essential.

Yours faithfully

B. Srikumar
(B. SRIKUMAR)

DIRECTOR(ENGG.)

for CHIEF ENGINEER(SZ)

Encl: As above

10/7/2002
S.T.H.

1880/S.M.102
11/7/02

Attested
[Signature]
Addl. C. G. S. C.

11/7/02

From:

V.G. Malagi,
Assistant Station Engineer,
All India Radio,
MYSORE - 570 020.

To:

The Director General,
(Kind attn: Sri K.M.Paul(E-in-C),
All India Radio,
Akashavani Bhavan, Sansad Marg,
NEW DELHI - 110 001.

(Through Proper Channel)

Sub: Request for transfer to AIR, Vishakhapatnam alongwith
my wife Smt. S.M. Savithri, AE, LPT, Mysore. reg.

Sir,

I would like to put forward to your honour the following few
points in connection with my request to get transferred to AIR,
Vishakhapatnam, Andhra Pradesh.

Sir, out of my 19 years service in AIR & TV, I have put up
more than 13 years of service in TV and served in 9 stations
including LPT, HPT and DDKs. Also I have undergone the 9 months
Doordarshan Course(Training) at IIT, Kanpur which helped in
grasping many things.

I have worked in HPT, Shimoga also, for about 3.5 years as
AE, in which period all the defective equipments including TXR
modules were serviced by me along with my wife. Modifications
also carried out and major defects i.e., the design mistake
(dummy load was getting burnt due to design mistake) was found
out by me and the same was appreciated by the then SE,
Mr. A. Vishwanath and DE Mr. V. Appakutti and the CE Mr. R.T. Chari.

While I was serving at DDK, Guwahati, HPT mark 4 TXR of
Mokokchung(Nalagaland) was under breakdown for around 20 days.
Which was made through with in a night by voluntarily going to
such a difficult station which was appreciated by Mr. L.K. Pradhan,
DDE and Mr. Biswas, DE of CE(SZ).

I have completed 3 years of service as head of Engineering
at AIR, Mysore. In which period the technical chain was fully
streamlined and managed with almost nil break down. Almost all
works of FM project was carried out. I would like to get
transferred to AIR, Vishakhapatnam against the vacant post. I
may please be posted to AIR, Vishakhapatnam alongwith my wife
Smt. S.M. Savithri, AE, LPT, Mysore for which I shall be thankful
to you.

Thanking you,

Place: Mysore
Date : 20/6/2002

Encl: copy of representation of my wife
Smt. S.M. Savithri, AE, LPT, Mysore.

Yours faithfully,

V.G. Malagi 20/6
(V.G. MALAGI)

Attested

Addl. C. G. S. O.

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ANNEXURE-4

BROADCAST CORPORATION OF INDIA
DIRECTORATE GENERAL ALL INDIA RADIO

No. 2/6/2002-S.III

New Delhi, dated 28.3.2002

ORDER NO. 49/2002-S.III

The following transfers in the cadre of Junior Time Scale of JE (E)S are ordered with immediate effect:

Sl. No.	Name S/Shri	Present place of posting	Transferred to	Remarks
1.	S.P. Deshmukh	All India Radio, Passighat	SPT, AIR, Nagpur.	
2.	T.S. Thyagarajan	All India Radio, Tawang	SPT, AIR, Bangalore.	
3.	K.P. Sanjeev	SPT, AIR, Bangalore	P&D Unit, DG: AIR, New Delhi	
4.	S.K. Meena	All India Radio, Churu	O/o CE(NZ), AIR, New Delhi	to be relieved after joining of Sh. M.M. Thaman, DDE at AIR, Churu.
5.	Sudarshan Ansolia	All India Radio, Jagdalpur	All India Radio, Pune	
6.	M.A. Mcdak	All India Radio, Pune	All India Radio, Jagdalpur	
7.	M.S. Ajay Ghosh	All India Radio, Chennai	All India Radio, Thiruvananthapuram	
8.	Smt. B. Vijayalakshmi	All India Radio, Thiruvananthapuram	SPT, AIR, Bangalore	
9.	K. Palanisamy	All India Radio, Calicut	All India Radio, Chennai	Without T.A.F. & Joining time etc.
10.	G. Vasudavan	O/o CE(EZ), AIR, Kollata	HPT, AIR, Avadi, Chennai	Transfer to O/o CE(NEZ) Coimbatore vide Order No. 35/2000-S.III dated 6.2.2000 is cancelled.
11.	A.M. Mishra	CBS, AIR, Patna	All India Radio, Darbhanga	Without T.A.D.A. & Joining time etc.
12.	V.G. Malagi	All India Radio, Mysore	All India Radio, Visakhapatnam	Without T.A.D.A. & Joining time etc.

(RAM BII AS)
Dy. Dir. of Admn. (I)
for Director General

- To
1. PS to E-in-C, AIR, New Delhi
 2. PS to E-in-C(DDn)/CE(TV)/Dir.(E) (Sh. Gupta), DG: Doordarshan, Mandi House, New Delhi

Contd...2/....

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3. Head of Office, AIR, Passighat/Tawang/Jaipur/Pune/Churu/Chennai/Thiruvananthapuram/Calicut/Darbhanga/Mysore/Visakhapatnam/SIT, Nagpur/SPT, Bangalore/HPT, Avadi, Chennai/CBS, Patna.
 4. DDO(A), P&D Unit, DG: AIR, New Delhi.
 5. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(EZ), AIR & DDn, Kolkata - 3 copies
 6. CE/CE(AVM)/CE(DDM), O/o CE(WZ), AIR & DDn, Mumbai - 3 copies
 7. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(NZ), AIR & DDn, New Delhi - 3 copies.
- with the instructions that Sh. M.M. Thomas, DD(E) may be relieved immediately for joining at AIR, Churu & ensure that he joins AIR, Churu prior to the relief of Sh. S.K. Meena, ASE from station.
8. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(SZ), AIR & DDn, Chennai - 3 copies.
 9. CE STI(T)(R&D), AIR, New Delhi.
 10. Pay & Accounts Office, IRLA-Min. of I&B, AGCR Building, New Delhi.
 11. Ministry of I&B, US EA(E), Shastri Bhawan, New Delhi.
 12. Persons concerned through their respective offices.

Copy to:

1. EA to CEO/PPS to DG/PS to ED(SP)/PS to CE(D)/PS to CE(M)/PS to CE(P)/PS to CE(MR)/DE(P)/DE(Coordination)/DE(HQ)/DE(Estimates)/Dir. (E)/Dir (IT Division)/Dir. (EPM)/CVO/DDA(FAC)/DDA(E).
2. A&G/Vig. Section/Scor Section.
3. The General Secretary, AIR & Doordarshan Engineers' Association, P&D Unit, AIR, New Delhi.
4. The President, Association of Radio & Television Engineering Employees Post Box No. 422, Gole Market, New Delhi.
5. The General Secretary, All India Akashvani and Doordarshan SC/ST Employees Welfare Association, 2579/2580, Bagichi Raghunath, Sadar Thana Road, Delhi-6.
6. The General Secretary, AIR & Doordarshan Technical Employees Association, Post Box No. 736, New Delhi.
7. The General Secretary, Graduate Engg. Association AIR/Doordarshan, C.I. Radio Colony, Kingsway Camp, Delhi-9.
8. The President Programme Staff Welfare Association of AIR & DDn (Regd.), 11, Annexe, Broadcasting House, All India Radio, New Delhi.
9. Spare Copies-5.

(Signature)
 (D.P. Singh)
 Section Officer
 for Director General

Attested
(Signature)
 Genl. C.G.S.O.

ANNEXURE 5

24

legd

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO : : VISAKHAPATNAM

87

No. VIS-1(7)/2002-S/Engg/452
The Director General,
(Shri Ram Bilas,
Dy Dir Admn(E) - by name),
All India Radio,
Akashvani Bhavan,
New Delhi-110 001

Dated : 24.10.2002.

2804/S-III/02
15/11/02

Sub :- Charge Assumption Report of Shri V. G. Malagi,
Assistant Station Engineer, All India Radio,
Visakhapatnam.

Ref :- Directorate's Order No.49/2002-S.III issued on File
No. 2/6/2002-S.III, dated 28.08.2002.

Consequent upon his transfer in the same capacity from All India
Radio, Mysore, Shri V. G. Malagi, Assistant Station Engineer, (IRLA No. 14942)
assumed charge as Assistant Station Engineer at All India Radio, Visakhapatnam on
17.10.2002 (EN).

His C.T.Cs in duplicate is herewith forwarded.

Yours faithfully,
D. M. Nair

(D. Madhavan Nair)
Administrative Officer
For Superintending Engineer

9/163/998/III

Copy to :-

1. The Pay and Accounts Officer, IRLA Group (Computer-V), AGCR Bldg.,
I.P. Estate, New Delhi - 110 002 - alongwith CTCs in duplicate. His IRLA
No.14942.
 2. The Chief Engineer(SZ), (Shri S. Rengaramanjam, Asst Dir (Engg)-by
name), AIR&TV, Swamy Sivananda Salai, Chennai - 5 - for information.
 3. The Station Director (HOO)/ Station Engineer, All India Radio,
Mysore - for information w.r.t. their letter No. MYS.1(2)/2002-S, dated
04.10.2002.
 4. Shri V. G. Malagi, Assistant Station Engineer, All India Radio,
Visakhapatnam.
 5. The Superintending Engineer \ The Station Director \ Asst Stn Engineer(M)
& Security Officer \ Asst Stn Engineer(H) \ Steno to Stn Director \ Steno to
Superintending Engineer, All India Radio, Visakhapatnam
6. Personal File 7.
Dealing Assistant (GPF) 8. Transmitter 9. Control Room 10.
Duty Room 11. Transport Section. 12 Cashier 13. Budget Clerk

Attested
Addl. C. G. S. O.

D. M. Nair
For Superintending Engineer

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CERTIFICATE OF TRANSFER OF CHARGE

(12)

14942

IRLA NO.....

Certified that I/we have on the fore/~~XXXXXXXXXX~~ of
this day respectively made over and received charge of the
office of: **Assistant Station Engineer, AIR, Visakhapatnam vide**
DG AIR New Delhi Order No.49/2002-S.III issued on file No.2/6/2002-
S.III dated 28.8.2002.

Station: **Visakhapatnam** Signature of Relieved Officer :
Date: **17.10.2002** Designation :

Station: **Visakhapatnam** Signature of Relieving Officer:
Date: **17.10.2002** Designation: **(V. G. MALAGI)**
Assistant Station Engineer

Relieved Officer Relieving Officer:

Forwarded to the DG AIR New Delhi & PAO IRLA Min of I&B, New Delhi

ST. NR. 114

Attested
[Signature]
Addl. C. G. S. O.

26

ANNEXURE - 6

89

From,

V.G. MALAGI
Assistant Station Engineer
All India Radio, Visakhapatnam

To,

The Director General
Kind: Atten. Chief Engineer (Development)
All India Radio, Akashvani Bhavan,
Sansad Marg, New Delhi-110001

(Through Proper Channel)

Sub: Request for transfer to Zonal Office North East (Guwahati NE)

Sir,

With due respect I request your honor that I may please be transferred to the zonal office Guwahati (NE).

~~I would like to avail the NE quota for my daughter's higher education as she has studied in different states who is just finishing here 10th examination.~~

At Mysore, during the 10 KW FM (Harries) transmitter installation, almost all the installation works including augmentation of power supply, tower and antenna erection, PDP & AC plants, multifunction switching console erection, transmitter & AVR erection, along with the correspondences pertaining to installation were carried out by me as the I.O was not regularly posted.

At HPT(TV) Shimoga the design fault of 'U' link panel was rectified (copy enclosed) which was appreciated by the Station Engineer and recommended to incorporate in all the mark III TV Transmitters.

While I was at DDK Guwahati , I was volunteer to go to Mokokchung to attend the Breakdown. After attend the Breakdown , many more equipments were made through and also 130W operation, 1KW operation and 1 KW by pass operations were introduced.

I have under gone the training course s a) Doordarshan 9 months training course at IIT Kanpur b) Training on FM Transmitter course at STI(T) Delhi

I shall be thankful for the act of kindness.

Visakhapatnam
Dt; 20.03.2003

self attested
V.G. Malagi
V.G. MALAGI
Asstt. Director (Engg.)
O/CE (NEZ) AIR & TV

Yours faithfully
V.G. Malagi
(V.G.MALAGI)

Copy to: The Chief Engineer (NE) AIR & TV, Akashvani Bhavan, R.G. Baruah Road, Saujiali Path, Guwahati-781003 for kind information and perusal please

27

AIR MANUAL

Posting of wife and husband together

Government have issued instructions that an effort should be made to post wife and husband together at one station/office, subject to administrative constraints and public interest. These instructions are given in Annexure III.

TA/DA, Joining time to transferees:

Normally officers are transferred only after completion of their tenure and are entitled to TA/DA joining time as admissible under rules. However, in public interest it sometimes becomes necessary to transfer officers before the completion of their tenure. Such officers are also entitled to TA/DA joining time as admissible under rules.

In exceptional cases, requests for transfer before the completion of tenure on compassionate grounds are considered on merits. In such cases, no TA/DA joining time is admissible.

New Stations of AIR:

For purposes of tenure, all new stations of AIR are categorised by the Directorate in consultation with the Ministry of I&B for regulating transfers of staff posted at such stations. Till such stations are categorised, the tenure is treated as four years, unless they fall in any of the above categories like CBS Centres, North-East etc. where tenure is governed by the general instructions already issued on the subject.

High Court Ruling on Transfers:

Reproduced below is an extract from judgment of High Court of Karnataka on the issue of transfers:

As held by the Supreme Court in Shantikumari Vs. Regional Deputy Director of Health Services, Patna Division, AIR 1981, Supreme Court 1577, it is not open for this Court to interfere in the matter of transfer and that any grievances of a Civil Servant in the Matter of transfer has to be considered by the Government Authority".

Attested
[Signature]
Addl. C. C. S. C.

28 S.No - 9(I)

ANNEXURE-8
SPEED POST

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL : ALL INDIA RADIO

91

NO. 9/163/99-S.III

New Delhi, 30.05.2005.

Subject : Grant of TA/DA etc. to Shri V.G. Malagi, ADE on transfer from AIR, Visakhapatnam to O/o CE(NEZ) Guwahati.

Reference O/o CE(NEZ), Guwahati's letter No. CE(NEZ)21(2)/2005-S dated 12.4.05 forwarding the representation dated 11.4.05 of Shri V.G. Malagi, ADE on the above subject.

2. The parawise comments on the above said representation are given as under :

- i. It is wrong to say that a transfer of an officer outside of his home town/state is not called a transfer on request. The cadre of ADE is an All India cadre the incumbent can be transferred to any where in India. The request posting/transfer will be considered as transfer on request.
- ii. As regards copy of AIR, Manual forwarded by Shri Malagi it is stated that nowhere it has been mentioned that the transfer on request outside the home state is not to be treated as transfer on request. It only states that if an official offers himself for posting at a 'C' category station, to the extent possible, such an offer would be accepted. Thus even this request is not binding on the Department.
- iii. In the transfer order of Shri Malagi it was clearly mentioned that he will not be entitled to TA/DA/joining time etc.
- iv. Shri V.G. Malagi joined at AIR, Visakhapatnam on 17.10.2002 and was transferred to O/o CE(NEZ) Guwahati vide order dated 6.8.2003 and relieved on 17.09.03. Thus he was transferred without completion of his tenure at Visakhapatnam.
- v. The period of stay at Mysore & Visakhapatnam cannot be counted together as these are two different stations not in the same Municipality.
- vi. There were no verbal instruction from the Directorate. His transfer order was issued on 6.8.2003

3. In view of the statements mentioned above, Shri V.G. Malagi, ADE is not entitled to TA/DA and Joining Time for his transfer from AIR, Visakhapatnam and this may be conveyed to him and his dated acknowledgement sent to this Directorate.

(A.K. GUPTA)
DY. DIRECTOR OF ADMN.(E)

Chief Engineer (NEZ),
Office of the CE(NEZ),
All India Radio & Doordarshan
GUWAHATI - 781 006.

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30/05/05

29 S.No-11(I)

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SPEED POST

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL : ALL INDIA RADIO

NO. 9/163/99-S.III / 635

New Delhi, 20/07/2005.

Subject : Grant of TA/DA etc. to Shri V.G. Malagi, ADE on transfer from AIR, Visakhapatnam to O/o CE(NEZ), Guwahati.

Reference O/o CE(NEZ), AIR & TV, Guwahati's letter No. CE(NEZ)/21(2)/2005-S/1103, dated 16/06/2005 forwarding therewith the representations dated 15/06/2005 & 16/06/2005 submitted by Shri V.G. Malagi, ADE on the above subject.

2. The above referred representations of Shri Malagi, ADE have been considered sympathetically and it has been found that the request of Shri Malagi to post him at his choice place i.e. the Zonal Office, Guwahati was considered & decided in terms of the provision of transfer policy and he was accordingly transferred & posted at Guwahati without TA/DA & JT etc.
3. The transfer of Shri Malagi from AIR, Visakhapatnam to O/o CE(NEZ), AIR & TV, Guwahati was effected on his own request and the Deptt. had fulfilled his choice, as requested by him, by transferring him to the Zonal Office, Guwahati. In the transfer policy, there is no provision to count together the stay period at two or more stations as claimed by Shri Malagi in his representations.
4. In view of the above, it is advised that Shri V.G. Malagi, ADE may be informed that he is not entitled to TA/DA and joining time for his transfer from AIR, Visakhapatnam to O/o CE(NEZ), Guwahati. It may also be brought to his notice that as per the provisions contained in transfer policy, there is no room to consider his case further.

Attested
Addl. C. G. S. O.

(Ranbir Singh)
Director (P&EA)

Chief Engineer (NEZ),
Office of the Chief Engineer (NEZ),
Akashvani & Television,
GUWAHATI - 781 006.

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20/07/05

ANNEXURE-9

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PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO

No.2/1/2003-S.III(Pt.III) | 578

New Delhi, 24.9.2003

Sub: Request to grant TADA etc. on transfer to O/o CE(NEZ) Guwahati - representation received from Sh. V.G. Malagi, ASE.

Reference representation dated 26.8.2003 received from Sh. V.G. Malagi, ASE on the above subject.

2. The request of Sh. V.G. Malagi, ASE to grant him TADA etc. on his transfer to O/o CE(NEZ) Guwahati has been considered. It is regretted that it has not been found possible to accede to the request due to non-completion of his tenure there. He may be informed accordingly & relieved immediately for joining at O/o CE(NEZ) Guwahati. A compliance report may also be sent to this Directorate immediately.

ACE
A=2

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Handwritten signatures and stamps on the left side of the page.

self attested
V.G. Malagi
V. G. MALAGI
Asst. Director (Engg.)
O/O CE (NEZ) AIR & TV
Guwahati-781008

Kam Bilas
(RAM BILAS)
Dy. Dir. of Admn.(E)
for Director General

Head of Office,
All India Radio,
Visakhapatnam.

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO : : VISAKHAPATNAM

No. VIS-1(7)/2003-S/Engg/

Dated : 05.11.2003

Copy to the Chief Engineer(NEZ) (Shri Mahadev Sarmah, Dy Dir(Admn) - by name), All India Radio & TV, 3rd floor, Dr.P. Kakati's Bldg., Near Ganeshguri Flyover, G.S. Road, Guwahati - 781 006 - with a request to hand over the enclosed photocopy of the Directorate's letter to Shri V.G. Malagi, Assistant Station Engineer who has taken over as Asst Director (Engg) at your office.

(P. Nageswara Rao)
Drawing & Disbursing Officer
For Station Director

Copy to Shri V. G. Malagi, Assistant Station Engineer/Asst Director(Engg), o/o CE(NEZ), AIR & TV, Guwahati.

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ANNEXURE-10

94

PRASAR BHARTI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO

No.2/1/2003-S.III

New Delhi, 6.8.2003

ORDER NO.38/2003-S.III

Shri V.G. Malagi (IRLA No.14942), Assistant Station Engineer, All India Radio, Visakhapatnam is hereby transferred in the same capacity to O/o CE(North East Zone), All India Radio, Guwahati with immediate effect.

2. He will not be entitled to TA/DA/joining time etc.

To

(RAM BILAS)
Dy.Dir. of Admn.(E)
for Director General

1. PS to CEO, Prasar Bharati.
2. PS to E-in-C(AIR).
3. PS to E-in-C(DDn)/CE(TV)/Dir.(E)(Sh.D.K.Gupta), DG:Doordarshan, New Delhi.
4. Head of Office, AIR, Visakhapatnam/O/o CE(NEZ), AIR, Guwahati.
5. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(NZ), AIR & DDn, New Delhi - 3 copies.
6. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(EZ), AIR & DDn, Kolkata - 3 copies
7. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(SZ), AIR & DDn, Chennai - 3 copies.
8. CE(P&A)/CE(AVM)/CE(DDM), O/o CE(WZ), AIR & DDn, Mumbai - 3 copies.
9. CE STI(T)/CE(R&D), AIR, New Delhi.
10. Pay & Accounts Office, IRLA-Min. of I&B, AGCR Building, New Delhi.
11. Ministry of I&B, US BA(E) Section, Shastri Bhawan, New Delhi.
12. Persons concerned through their respective Offices.

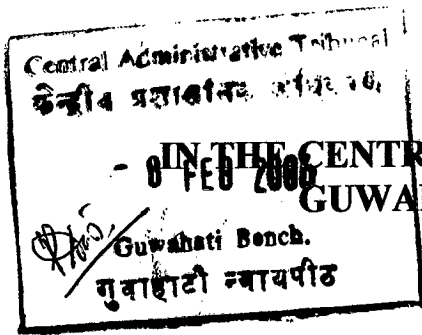
Copy to:

1. PS to CE(D)/PS to CE(M)/PS to CE(P)/PS to CE(MR)/DE(P)/DE(Coordination)/DE(HQ)/DE(Estimates)/Dir.(IT Division)/Dir.(EPM)/CVO/DDA(FAC)/DDA(E).
2. A&G/Vig. Section/Scor Section.
3. The General Secretary, AIR & Doordarshan Engineers' Association, P&D Unit, AIR, New Delhi.
4. The President, Association of Radio & Television Engineering Employees Post Box No. 422, Gole Market, New Delhi.
5. The General Secretary, All India Akashvani and Doordarshan SC/ST Employees Welfare Association, 2579/2580, Bagichi Raghunath, Sadar Thana Raod, Delhi-6.
6. The General Secretary, AIR & Doordarshan Technical Employees Association, Post Box No.736, New Delhi.
7. The General Secretary, Graduate Engg. Association AIR/Doordarshan, Post Box No.319, New Delhi-110001.
8. The President, Programme Staff Welfare Association of AIR & DDn.(Regd.), 11, Annexe, Broadcasting House, All India Radio, New Delhi.
9. Spare Copies-5.

(RAM BILAS)
Dy.Dir. of Admn.(E)

Attested
Addl. C. G. S. O.

9/163/99-S.III



95
Filed in Person
V.G. MALAGI
24-06-02-06
V.G. Malagi

REJOINDER IN THE MATTER OF

O.A.NO.230 OF 2005

V.G.Malagi : Applicant

-VS-

Union of India represented by : 1.The Directorate General All India
Radio. N.Delhi

2. The Chief Engineer (NEZ) O/o
the Chief Engineer (NEZ) Guwahati

Rejoinder submitted by the applicant

I beg your honour to submit the following, as a rejoinder to my OA NO 230 /2005 filed by me for grant of relief i.e. transfer TA / DA & JT on transfer from Vishakhapatnam to the O/o the Chief Engineer (NEZ) Guwahati at Category 'C' Station a place more than 3200 Km from my native.

I have gone through the counter reply submitted by the respondent and understood the contents there of. The respondent states that my transfer was at request and not in the public interest. But I could not be satisfied with the reasons put forwarded in the respondents reply and being aggrieved. I beg to lay the few following lines for your kind and favorable judgment towards the justice please.

Also it is to bring to the notice of the Hon. CAT that the legal provisions/ points basis of which I am entitled for the transfer relief i.e.

10/2/06
V.G. Malagi

- 96
- a) I was asked to submit an under taking to forgo the transfer incidentals TA/DA & JT well before considering my transfer (encl. 1 of OA.230/05).
 - b) I was transferred to category 'C' Station without TA/DA & JT contrary to
 - I) The directorate's own specific query,
 - II) Non submit ion of my Undertaking to forgo the TA / DA
 - III) Non willing to get transferred to the difficult station without TA/DA & JT.
 - c) I was forcibly relived by the station authorities through the oral instruction followed by the written order (encl. 3 of OA.230/05).
 - d) Hon. Cat Guwahati Judgment dt.09-02-05 (encl. 4 of OA.230/05) Are completely ignored and the reasons put forward / quoted by the Directorate for are not to the point and conveying no meaning.

Para wise comments:

1. That with regard to the statements made in para 2.1 of counter reply by the respondent, the answering applicant beg to submit that, none of the points are related to the para 4 the facts of my OA.230/05.
2. That with regard to the statements made in para 2.2 of counter reply by the respondent, I beg to submit that, none of the points are related to the para 4.A of my OA.230/05.
- 3 That with regard to the statements made in para 2.3 of counter reply by the respondent, It is to state that, the rule provision related to the para 4.B of my OA.230/05 is just over looked by the respondent and presumed as request transfer.
- 4 That with regard to the statements made in para 2.4 of counter reply by the respondent is not conveying any meaning to the point for why I was asked to submit the undertaking to forgo the TA/DA before the case considered further by the respondent.

In this regard, I may please be allowed by the Hon. CAT to clarify the reason why I was asked to submit an undertaking by the Directorate AIR N,Delhi, and where the Directorate AIR N,Delhi has slipped from the track.

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That sir, The transfer guidelines have been prescribed for the career development of the officers governed by the transfer policy in interest of service as per general guidelines of AIR Manual (encl. 9 of OA.230/05) and if an official offers himself for posting at any of the category 'C' station, a suitable note will be made of the offer and to the extent possible, such an offer would be accepted (encl. 8 of OA.230/05) It may be added up here that, the transfer policy rules are specified specifically for category 'C' stations and the rules / guidelines specified for other than category 'C' stations are not applicable to category 'C' stations. On the basis of the said rules and limitations, my offer to serve at category 'C' stations through my transfer representation dt-23-03-03 (encl. 6 of OA.230/05) was not possible to consider as request for transferring me without TA/DA & JT by the Directorate and at the same time the Directorate was not instructed to consider my offer and wanted me to suffer without TA/DA & JT (for the reason not known to the best of my knowledge), I was insisted to submit an undertaking to just **harsh /corner** me for showing willingness to serve at category 'C' station that too when 12 out of 12 ADE posts were vacant at the O/o CE(NEZ). Otherwise, **why I was not transferred straightaway on the basis of my application dt. 23-03-03** (unlike in my earlier transfer from Mysore to Vishakhapatnam where I represented after 3 years and 4 months and why I was asked to submit the undertaking for just 4 months of service at Vishakhapatnam when I offer to serve at category 'C' station.

5. That with regard to the statement made in para 2.5 by the respondent cleverly not touched the fact of my non submission of undertaking.

In this regard, I did not furnish any undertaking to forgo the TA/DA rather I represented with TA/DA (encl. 10 of OA.230/05) and the same was forwarded by AIR Vishakhapatnam, in which it was clearly mentioned that, 'he has requested to allow TA/DA for transfer to North East Guwahati' (encl. 11 of OA.230/05).

6. That with regard to the statement made in para 2.6 by the respondent I hereby deny the same.

On the contrary to the very purpose of their own query and my representation (encl. 10 of OA.230/05) as a reply to the Directorate query, forwarded through the AIR Vishakhapatnam the transfer order without TA/DA was issued by the Directorate on the basis of reason not known to the best of my knowledge other than negligence. It is to add up here that, the

matter should have been closed and no further action in my transfer should have been taken by the Directorate when I did not submit any undertaking as insisted and the Directorate was not interested to transfer me with TA/DA.

It is to impress upon the Hon. CAT here that, even if the Directorate had presumed my offer to serve at category 'C' station as request transfer with total disregard to the transfer policy rules, the **presumption does not remains as request** when once I was asked to submit an undertaking to forgo the TA/DA & JT. **Further, even my transfer application dt-20-03-03 will not come in to picture at all.**

7. that with regard to the statement made in Para 2.7 I hereby to mention that the silence by the respondent shows the acceptance.

It is to clarify further that, I was relieved forcibly by the station authority of AIR Vishakhapatnam as per Directorate telephonic instruction on 26/08/2003 to relieve me immediately confirmed by **Directorate written instruction vide order no. 2/1/2003-S.III (Pt.III) /578 dated. 24/09/ 03** (encl. 3 of OA.230/05). ~~Even~~^{At} this stage I should not have been forcibly relieved even if the respondent had **presumed** my offer as request. The reason for the behest act is not known other than covering their over-sight and negligence.

8. That with regard to the statement made in Para 2.8 by the respondent, I deny the same.

That sir, numerous representations requesting for the grant of TA/DA, made to the Directorate through proper channel after joining at the O/o the CE (NEZ) which remained UN responded to any of my letters till I approach the Hon. CAT Guwahati. The respondent replies after I approach the Hon. CAT Guwahati are not to the point and deviating from the facts.

9. That with regard to the statement made in Para 2.9 I hereby to mention that the silence by the respondent shows the acceptance

That sir, Hon. CAT, Guwahati Judgment dt.09-02-05 (encl. 4 of OA.230/05) in which the important points **'he did not submit any undertaking to forgo TA/DA in response to the respondent's communication'** and instruction to give the detailed speaking order **"keeping in view of rule position as well as low on the said subject reg. the entitlement"** are fully ignored by the respondent.

10. That with regard to the statements made in para 3 of counter reply by the respondent, the answering applicant beg to submit that, none of the points are related to the para 5.A, the facts of my OA.230/05. The transfer policy rules pertaining to the Category 'C' station is not touched.

11. That with regard to the statements made in para 3.1 of counter reply by the respondent, the answering applicant beg to submit that, none of the points are related to the para 5 BA, the facts of my OA.230/05 and not connected with the transfer policy rules.

12. That with regard to the statements made in para 3.2. Of counter reply by the respondent, I deny the contents. The said letter so called **speaking order** issued by the respondent is not covering any of the points of the Judgment.

13. That with regard to the statements made in para 3.3 of counter reply by the respondent, I deny the contents.

It is to state that, none of My repeated appeal (5 appeals before approaching CAT and 3 after approaching CAT) on the point "I was transferred against my willing when I did not furnish any undertaking as insisted in the directorate query is remained unanswered.

14. That with regard to the statements made in para 3.4 of counter reply by the respondent, It is to state that the respondent has avoided the contents.

15. That with regard to the statements made in para 3.5 of counter reply by the respondent, It is to state that the respondent has twisted the fact and tried to mislead. ***I should not have been transferred if my request /offer was not biding on the Department***, why I was transferred that too when ***I did not furnish any undertaking to forgo TA/DA.***

16. That with regard to the statements made in para 3.6 and 3.7 of counter reply by the respondent, I deny the contents.

I was relieved by the station authority of AIR Vishakhapatnam as per Directorate **biased** telephonic instruction on 26/08/2003 to relive me immediately (when I have challenged the act of Directorate, at the Directorate), confirmed by **Directorate written instruction vide order no. 2/1/2003-S.III (Pt.III)/578 dated. 24/09/ 03** other wise why the **written instruction was issued ?**

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It is to state further that, My self attestation, seal and signature appears at the annexure-6 and 9 of annexures enclosed to the counter reply by the respondent. The enclosed letters were picked from my OA which was sent by the Hon. Cat Guwahati to the respondent. The office copy of the above said letters are not maintained / available at the Directorate, if not or otherwise what made the respondent to pick from my OA.. Also it is to added up in support here that, while passing the statement "If transfer without TA/DA etc. was not acceptable to him, he should not have got himself relived and joined at the new station" (encl. 12 of OA.230/05) the respondent was not aware of the reliving instruction (encl. 3 of OA.230/05). **The haphazard way of maintaining the important documents which resulting the issue wrong orders by the Directorate is brought to the notice of the Hon. Cat Guwahati**

17. That with regard to the statements made in para 3.8 of counter reply by the respondent, I beg to submit that, the judgment of High Court of Karnataka is not applicable here and circumstances of the case are not known and not connected with case.

18. That with regard to the statements made in para 3.9 of counter reply by the respondent are not to the point.

The above quoted rule by the Directorate is applicable to count the total period of two or more stations within the same Municipality, is only for the purpose to transfer an official out of that Municipal area subsequently but not for disallowing the TA/DA.

It is not understood as to, when the period of stay at two different stations which are in the same Municipality (where no financial implications) can be counted together for transfer incidentals for the next subsequent transfer, why the period of stay at two different stations which are not in the same Municipality (where financial implications are bounded) cannot be counted together ? I am very sorry to mention here that the Directorate has slipped completely in applying the said rule.

19. That with regard to the statements made in para 3.10 of counter reply by the respondent are not to the point

19. That with regard to the statements made in para 3.11 of counter reply by the respondent are not to the point.

(01)

The transfer cannot be on treated as request for non granting of TA/DA when I did not submit the undertaking. No sympathy is shown where as I was transferred and relived at the behest act of the Directorate.

20. That with regard to the statements made in para 4 of counter reply by the respondent are not to the point and no request was considered by the respondent as mentioned.
21. That with regard to the statements made in para 5 of counter reply by the respondent are not to the point and no request was considered by the respondent as mentioned where as I had requested for the grant of TA/DA.
22. That with regard to the statements made in para 6 of counter reply by the respondent are denied hereby.

I am entitled for the **Transfer TA/DA along with the interest at govt. rate** as I was transferred against of my willing to get transferred to the category 'C' station.

Your honour, on the basis of the above facts and grounds, it is to impress upon that, I am entitled for the transfer incidentals in respect of my transfer from Vishakhapatnam to Guwahati. I should not be punished for the negligent act of the Directorate of All India Radio N.Delhi for none of my mistake but for just showing my offer to serve at category 'C' station. Favorable justice for the injustice happened is expected from the Hon. Cat Guwahati is expected.

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VERIFICATION

I Shri V.G.Malagi aged 43 years working as Assistant Director Engineering at the O/o the CE(NEZ) AIR & TV, Guwahati- 06 do here by solemnly affirm and state that the statements made in paragraphs 22 of the rejoinder are true to my knowledge and belief and have not suppressed any material facts.

And I sign this verification on the 6th day of February 2006.

V. G. Malagi

Applicant

*V. G. MALAGI
ADE, O/o THE CE(NEZ)
AIR & TV, Guwahati.*