

Central Administrative Tribunal
Jabalpur Bench

OA No.166/05

Jabalpur, this the 25th day of May, 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

Amar Singh Parolia
S/o Ganapat Das
Senior Engineering Asstt.
AIR Colony, Sagar (M.P.)

Applicant

(By advocate Shr S.K.Pathak)

Versus

1. Chief Engineer (West Zone)
Akashwani & Doordarshan
Old CGO Complex, 101, M.K.Road
Mumbai.
 2. Chairman
Prasar Bharati through
CEO Prasar Bharati
PTI Building, Sansad Marg
New Delhi.
 3. Director General
Directorate of Akashwani, Akashwani Bhawan
Sansad Marg, New Delhi.
 4. Station Engineer, AIR
Collectorate, Sagar (M.P.)
- Respondents.

(By advocate Shri S.A.Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has seeks a direction to the respondents to quash the impugned transfer order (Annexure A3) as far as it relates to the applicant only.



2. The brief facts of the case are that the applicant who belongs to SC community is presently working as Senior Engineering Assistant under respondent No.4. He was initially appointed on 11.7.78 as Technician at AIR Gwalior. The applicant was posted at Malad in the year 1991. Thereafter he was promoted to the post of Senior Technician. In the year 1992, the applicant was transferred from Shivpuri to Sagar, the present place of posting. In the year 1991-92, he suffered an attack of G.B.S. (Gullian Bari Syndrom) while he was posted at Malad, and his whole body became paralyzed. It is alleged in the application that the applicant always complied with the transfer orders of the respondents. In a period of 20 years of service, as many as five transfers have been effected. In the year 1999 the applicant for the first time made a request for his transfer to Gwalior or Bhopal or Indore (Annexure A4). But his request was rejected vide letter dated 14.9.99 (Annexure A2). It is alleged in the application that a number of transfer applications from general category candidates were allowed by the authorities and they were given their place of choice. While serving at Sagar, a transfer order was issued by respondent No.1 to the applicant by which he was asked to go to L.P.T. Shoepurkalan where no medical facility is available. Hence he made a representation, which has not been decided by the authorities. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the applicant has served in difficult areas and thus he is entitled to be posted at his place of choice as per policy. The applicant is suffering from G.B.S. disease and the treatment is available only at district place. Several other employees were posted at their place of choice. His superannuation is approaching fast and therefore he deserves to be posted at his native place. Though the applicant made several representations, none of the representation has been decided by the higher authorities. Hence he is entitled for the relief claimed.



4. In reply, learned counsel for respondents argued that in the year 1999, the applicant had requested for transfer to Gwalior only. Since it was not possible to transfer him to Gwalior at that time, his request could not be considered.. On the other hand, he was allowed to remain posted near his hometown i.e at Sagar. In the case of transfer, no reservation criteria is applied. Further Shoepurkalan is District headquarter where adequate medical facilities are available. The superannuation of the applicant is due in the year 2015 and as such he has 10 years of service left. Learned counsel further argued that Shoepurkalan is near to his home town i.e. Gwalior. OA has no merit and is liable to be dismissed.

5. After hearing the learned counsel for the parties and perusing the records, I find that the in the year 1997, the applicant was transferred from Shivpuri to Sagar where he is presently serving . He has suffered an attack of G.B.S. disease in 1991-92. The applicant has not filed any documents regarding this disease or about his treatment, with this OA. I have perused the representation of the applicant marked as Annexure A1 in which he has mentioned only one Station i.e. Gwalior. Shoepurkalan is the newly created district headquarter. This is not a town or a village and it is said to be near Gwalior also, where all medical facilities are available. The normal tenure of a Central Government servant in one station is 4 years while the applicant has served at Sagar for more than 7 years and he is accommodated near his home town. The applicant could not show any malafide intention of the respondents or violation of any rule.



6. Considering all facts and circumstances of the case, I am of the considered opinion that the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

aa.

पृष्ठंकन सं ओ/व्या.....जबलपुर, दि.....

पतिलिपि अद्योदितः—

- (1) सचिव, उच्च न्यायालय, नया दिल्ली, जलपुर
(2) अवरका की/की/की/की के कारंसेल S.K. Pathak Adv. Bar
(3) प्रकाश की/की/की/की के कारंसेल S.D. Sharma Shikari
(4) कथपूर, नया दिल्ली, जलपुर नया दिल्ली Adv. Bar

आवरणक कार्यवाही हेतु
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