

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.4008/2016

New Delhi, this the 24th day of March, 2017

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Haradeb Bhattacharyya, Aged 49 years
S/o Late Sh. Joydeb Bhattacharyya,
Working as LDC in
Delhi Doordarshan Kendra, New Delhi Applicant

(By Advocate: Mr. Yogesh Sharma with Ms. Sonika)

Versus

1. Union of India through the Secretary
Ministry of Information & Broadcasting,
Govt. of India, Shastri Bhawan, New Delhi.
2. The Chief Executive Officer
Prashar Bharti,
PTI Building, New Delhi.
3. The Director General
Doordarshan Bhawan,
Copernicus Marg, Mandi House, New Delhi.
4. The Dy. Director (S.IIA),
Directorate General, Doordarsan,
Copernicus Marg, Mandi House,
New Delhi.
5. The Director
All India Radio
New BH, Akashwani Bhawan,
Parliament Street,
New Delhi. Respondents

(By Advocate: Mrs. Radhalakshmi for Mr. Rajeev Sharma
for R-1,2, 4 & 5. Ms. Priyanka Agrawal for
R-3)

ORDER (ORAL)**Hon'ble Mr. P.K. Basu, Member (A):**

From the list of dates and events it seems that since the applicant's appointment i.e. 01.04.2009 with the respondents, he has been in Delhi. He was transferred, vide order dated 04.10.2016 from DDK, New Delhi to DDK, Shimla in public interest.

2. The applicant approached this Tribunal by filing OA No. 3564/2016 and the Tribunal vide its order dated 20.10.2016 directed the respondent no.3 to sympathetically consider the indicated representation of the applicant and to pass an appropriate speaking order, in accordance with law, within a period of one month from the date of receipt of a certified copy of the order.

3. Now, the respondent no.3 have passed the order dated 28.11.2016 stating the reasons why applicant's request for cancellation of his transfer cannot be entertained. The applicant has challenged this order dated 28.11.2016 in the present OA.

4. Learned counsel for the applicant states that the transfer is from one zone to another which is not permissible under the Transfer policy.

5. From the facts and circumstances of the case, it appears that despite the fact that the applicant has been working in Delhi for the past seven years, he still wants to continue in Delhi. The transfer was necessitated due to acute shortage of staff at Shimla, on administrative exigency. Moreover, the Hon'ble Supreme Court in the case of **S.C.Saxena V/s Union of India and Anr.** [2006 SCC (L& S) 1890], it has been held that "*A Government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems.*"

6. In view of the above settled legal position, we find no reason whatsoever to interfere in this matter. The OA is, therefore, dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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