

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 040/00317/2018.

Date of Order: This, the 14th Day of September, 2018.

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Sri Padma Kanta Patar
Upper Division Clerk (UDC)
All India Radio, Nagaon, Assam
PIN: 782 002.

...Applicant.

By Advocates: Mrs.U.Dutta

-versus-

1. The Union of India
Represented by the Secretary
Government of India,
Ministry of Information and Broadcasting
Room No.552, A Wing, Shastri Bhawan
New Delhi-110 001.
2. The Secretary, Prasar Bharati
(India's Public Service Broadcaster)
Prasar Bharati Secretariat
Prasar Bharati House, Copernicus Marg
New Delhi-110 001.
3. The Director General
All India Radio, SIV (B) Section
Akashvani Bhawan, Sansad Marg
New Delhi-110 001.
4. The Deputy Director General
All India Radio, Guwahati
Chandmari, PIN: 781 003.

5. The Assistant Director Engineer
All India Radio, Nagaon
PIN: 782 002.

... Respondents

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

On being mentioned by Mrs.U.Dutta, learned counsel for the applicant the matter is taken up for consideration.

2. By this O.A., applicant makes a prayer for setting aside the transfer order no. AIR/GUW-24(2)/2018-S/1837 dated 07.09.2018 so far the applicant is concerned.

3. Mrs. U.Dutta, learned counsel for the applicant submitted that the applicant has been working as UDC under the office of the respondent no.5. Learned counsel submitted that applicant is aggrieved by his transfer from AIR, Nagaon to AIR, Itanagar vide order dated 07.09.2018. According to the learned counsel, applicant had earlier served the hard station, i.e., AIR Itanagar and only on 31.05.2013 he was transferred from AIR, Itanagar to AIR, Nagaon which is his home town.

4. Learned counsel further submitted that applicant's son is a student of Class X and is going to appear in Matriculation examination in 2019 under the Board of Secondary Education, Assam. Learned counsel further submits that there is no school under Board of Secondary Education, Assam at Itanagar, it is not possible for his son to get admission at Itanagar. Therefore, learned counsel submitted that if the applicant is made to carry out the transfer order, at this juncture, it will jeopardize his son's student life. In support of his claim, learned counsel referred to clause 10.9 of the Transfer Policy 2014, which is reproduced below:-

“10.9 To the extent feasible, annual transfers should be synchronized with the ends of the academic session (ie 31 Mar), so that education of the employees' children does not suffer.”

According to the learned counsel, applicant's transfer has been issued in violation of Transfer Policy, 2014 as quoted above. Learned counsel also relied on the decision in the case of **Director of School Education, Madras & Ors. vs. O. Karuppa Thevan, 1994 Supp (2) SCC 666** wherein it was held as under:-

"Transfer of an employee during mid-academic term is not proper unless exigencies of service are urgent for making such transfer."

5. Learned counsel for the applicant further submitted that applicant belongs to ST community and is 56 years of age, as such, he has less than four years to retire on superannuation. Hence the learned counsel submitted that his transfer at the verge of retirement is not proper.

6. Learned counsel drew my attention to the Annexure A/6 and submitted that applicant has immediately submitted a representation dated 10.09.2018 against his transfer from AIR, Nagaon to AIR, Itanagar vide transfer order dated 07.09.2018.

7. I have heard the learned counsel for the applicant, perused the OA and the documents annexed therein. Since the applicant has submitted representation against his transfer and the same is pending, for the ends of speedy justice I am of the opinion that the respondents are directed to consider the representation within a time frame. Therefore, without issuing any notice to the respondents, the respondents are

directed to consider and dispose of the representation of the applicant dated 07.09.2018 within a period of three months from the date of receipt of this order in the light of the transfer policy 2014 and the decision rendered in the case of **O. Karuppa Thevan (supra)**, as quoted above, Till such time, applicant shall not be disturbed from his present place of posting i.e., AIR, Itanagar.

8. OA is disposed of accordingly at the admission stage itself. There shall be no order as to costs.

(MANJULA DAS)
JUDICAIL MEMBER

/BB/