

1. Union of India,  
Through The Secretary,  
Ministry of Information &  
Broadcasting,  
Parliament Street,  
New Delhi-110001.
  2. The Director General  
All India Radio,  
Akashwani Bhavan,  
Parliament Street,  
New Delhi-110001.
  3. The Additional Director General,  
All India Radio,  
Broadcasting House,  
Backbay Reclamation,  
Mumbai-400020.
  4. The Director (Engg),  
Doordarshan Kendra (Engg),  
M.I.T. College Road,  
Kothrud,  
Pune-411038.
- ....Respondents.**
- (By Advocate Shri V.S.Masurkar)**

**ORDER (ORAL)**

**Justice Permod Kohli, Chairman :**

On notice Mr.V.S.Masurkar, learned counsel who is present in the Court has been asked to appear for the respondents.

The applicant is aggrieved of his transfer/posting to Sangli made by impugned order dt. 17.11.2017. The applicant was working as LDC. The applicant was offered promotion as UDC in the year 2014, but he declined the promotion on account of illness of his father and study of his school going daughters. He was debarred from promotion for a period of one year w.e.f. 2.5.2014. The applicant made an application dt. 11.1.2017 seeking promotion from LDC to UDC at Pune. It is stated that four posts of UDCs were lying vacant at Pune. Vide order dt. 9.10.2017 the applicant has been promoted on regular basis to the post of UDC w.e.f. 13<sup>th</sup> August, 2017. On his promotion he was relieved by the Executive Engineer, Pune on 12.10.2017 and he joined the promotional post on 13.10.2017 in the office of

R-4 at Pune. While the applicant was working as UDC in the office of R-4, R-3 passed the impugned order dt. 17.11.2017 modifying his place of posting from Doordarshan Kendra, Pune to A.I.R. Sangli. He made a representation on 22.11.2017. The said representation was recommended by R-3. It is under these circumstances that the present O.A. has been filed. The applicant is seeking to challenge the impugned order on the grounds that his wife is working as I.T.O. and posted at Pune. His two school going daughters are studying in Class - XI and Class - VII respectively at Pune. The applicant has also mentioned that the applicant's dependent old aged parents are under medical treatment at Pune. His further submission is that it was at his request that he was promoted as UDC against the available vacancies at Pune. That his promotion has been ordered and he was promoted as UDC and posted at Pune. The applicant also relies upon Government of India (DOPT) policy decision as notified by O.M. dt. 30<sup>th</sup> September, 2009, which inter alia, provided that both husband and wife if employed should be

posted at the same place. In view of above facts, this petition is disposed of at the admission stage with the direction to the competent authority to dispose of the representation of the applicant dt. 22.11.2017 in the light of the DOPT O.M. dt. 30.9.2009 and other attending circumstances within a period one month from the date of receipt of copy of this order. Needless to say that the representation shall be disposed of by passing a reasoned and speaking order. The order be communicated to the applicant. Till the representation is decided the status quo as exists today shall be maintained.

**(R. Vijaykumar)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

**B.**