

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00461/2018

DATED THIS THE 30TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

B.V. Hariprasad,

Aged 49 years,

Working as Cameraman Gr.II

At CRD Marketing Division, Bangalore &

Residing at #33/1, Near Sneha Sadan

Vodarahalli, Subhas Chandra Bose Layout,

Vidyaranyapura Post,

Bangalore – 560 097

.....Applicant

(By Advocate Shri N. Obalappa)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Information
and Broadcasting,
'A' Wing, Shastry Bhavan,
New Delhi – 110 001.

2. The Chief Executive Officer,
Prasar Bharathi, "C" Tower,
Doordarshan Bhavan,
Copernicus Marg, Mandi House,
New Delhi – 110 001.

3. The Director General,
Doordarshan,
Doordarshan Bhavan,
Copernicus Marg,
New Delhi – 110 001.

4. The Additional Director General south zone
Doordarshan Kendra,
J.C. Nagar,
Bangalore – 560 006

5. The Deputy Director General (P)

Doordarshan Kendra,

J.C. Nagara,

Bangalore – 560 006

6. The Head of Office,
CRD Marketing Division,
Rajbhavan Road,
Bangalore – 560 001

....Respondents

(By Shri V.N. Holla, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. MA No. 170/00383/2018 for modification of interim order is dismissed.

2. The matter relates to transfer. Normally no government servant should be retained at a place for long. If he is retained there, then he develops unnecessary roots in the local society which will be against greater public interest.

3. Now the case put up by the respondents is that they made a mistake and that too an inadvertent mistake in the Annexure-R3 order indicating that there is a retention of the applicant. It cannot be a mistake for the very simple reason

that it is a positive order made after consideration of all the representations received within 15th March, 2018. That being so, it is a result of consideration.

4. No doubt, persons higher in the hierarchy can intervene and pass an order against the administrative order passed by the competent authority as we find from Annexure-R2 also a similar authority had passed a transfer order to Mumbai. If an authority similar in stature and nature can pass Annexure-R2 order, the same authority can pass Annexure-R3 order also. Therefore after having heard both the counsels we will hold that the applicant rightly or wrongly became eligible to a posting at CRD, Marketing because of Annexure-R3 order.

5. He will continue there and draw salary in that post only.

6. But that is not to say that the applicant cannot be transferred out. For verifiable and significant and illuminative reasons, applicant can be transferred once again to any other place as dictated by public interest but the reason for the transfer and the exigency must be writ large on the face of it. This liberty we will grant to the respondents but the transfer of the applicant vide Annexure-R3 to CRD, Marketing is hereby confirmed. The applicant will continue to be there. To this extent but with the above rider the OA is disposed off.

7. At this point of time, the learned counsel for the respondents submits something more. He says that any order can be rectified. It is correct but once an order is given a legitimate expectation arises in favour of the party in whose favour the order was passed. Therefore the rectification, if at all, has to be after issuing him a showcause notice and after hearing him also as without grant of

opportunity no order in favour of a person, who had germinated a legitimate expectation in his favour, can be set aside.

8. The OA is therefore disposed off on the above grounds. No order as to costs.

(DINESH SHARMA)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00461/2018

Annexure A1 Copy of the appointment order dated 09.11.1989

Annexure A2 Copy of the Degree of Master of Arts certificate dated 06.10.1997

Annexure A3 Copy of the IGNOU certificate

Annexure A4 Copy of the PG Diploma in Journalism & Mass Communication

Annexure A5 Copy of the MBA certificate dated 09.10.2017

Annexure A6 Copy of the NLSI University ID Card of the applicant

Annexure A7 Copy of the transfer order issued by 3rd respondent dated 29.12.2017

Annexure A8 Copy of the applicant's representation dated 12.02.2018

Annexure A9 Copy of the order dated 17.04.2018

Annexure A10 Copy of the modified transfer order dated 01.05.2018

Annexure A11 Copy of the order dated 02.05.2018

Annexure A12 Copy of the joining report of the applicant dated 02.05.2018

Annexure A13 Copy of the letter of the applicant dated 07.05.2018

Annexure A14 Copy of the relieving order dated 07.05.2018

Annexure A15 Copy of the Prasar Bharati Transfer Policy of 2014

Annexures with reply statement

Annexure R1 Copy of the office order dated 29.12.2017

Annexure R2 Copy of the Prasar Bharati order dated 17.04.2018

Annexure R3 Copy of the office order dated 01.05.2018

Annexure R4 Copy of the corrigendum dated 02.05.2018

Annexure R5 Copy of the Prasar Bharati letter dated 16.05.2018 with enclosures

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