

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original application No.040/00213/2017

Date of Order: This, the 26th Day of September, 2018

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

Sri Pankaj Kumar Dey
Son of Late Dhanesh Chandra Dey
Upper Division Clerk
Office of the Executive Engineer (Electrical)
Civil Construction Wing, All India Radio
Chandmari, Guwahati-781 003.

... Applicant.

By Advocates: Mr.A.Ahmed, Ms.R.R.Rajkumari & Mrs D
 Goswami

- Versus -

1. The Union of India
 Represented by the Secretary
 To the Government of India
 Ministry of Information & Broadcasting
 A Wing, Shastri Bhawan
 New Delhi-11 0015.
2. The Director General
 All India Radio, Prasar Bharati
 (India's Public Service Broadcaster)
 Akashvani Bhawan, Parliament Street
 New Dehli- 110 001.
3. The Deputy Director General (E)

Prasar Bharati
(India's Public Service Broadcaster),
All India Radio, Chandmari
Guwahati-781003

4. The Director (Engineering) & Zonal Head,
Prasar Bharati (India's Public Service Broadcaster)
All India Radio, Chandmari
Guwahati, Pin-781003.

... Respondents

By Advocate: Mr. R.Hazarika, Addl. C.G.S.C.

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

The applicant has filed this O.A under Section 19 of the Administrative Tribunals Ac, 1985 seeking the following reliefs:-

“8.1) To set aside and quashed the impugned Transfer Order No.ATR/GHY.24 (2)/201-S/1446 dated 25.07.2017 in case of the Applicant wherein he has been transferred from the office of the Executive Engineer (Electrical) Civil Construction Wing, All India Radio, Itanagar issued by the Director (E)/Zonal Head, All India Radio, Guwahati i.e Respondent No.4.

8.2 To pass any other appropriate relief(s) to which the applicants may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.”

2. The facts, as narrated by the applicant in the OA are that initially he was appointed as LDC on 19.03.1990 in the office of the Executive Engineer, Civil Construction Wing (Civil), All India Radio, Guwahati. He was thereafter promoted as UDC on 29.11.1995 and posted in the office of the Executive Engineer, Civil Construction Wing (Civil), All India Radio, Itanagr. Presently, he has been working as UDC in the office of the Executive Engineer, Civil Construction Wing (Civil), All India Radio, Guwahati.

3. Applicant was transferred from Guwahati to Tezpur vide order dated 31.01.2017. Applicant submitted representation dated 02.02.2017 against said transfer on the ground that his daughter is studying in KV, Khanapara and she is in her midst of academic session. Applicant stated that her daughter will sit in her final examination in March 2018 and therefore, prayed that till the academic session of her daughter is over he may be retained in Guwahati and once the examination is over he would be ready to proceed to join at AIR, Tezpur. On examination of the

representation of the applicant his transfer order to AIR, Tezpur was cancelled vide order dated 27.03.2017. However, within four months of cancellation of earlier transfer order, applicant was again transferred to AIR, Itanagar vide order dated 25.07.2017. Assailing that transfer order the applicant has filed the instant OA.

4. While issuing notices to the respondents, this Tribunal vide order dated 28.07.2017, stayed the transfer order of the applicant during pendency of this OA. Accordingly, applicant has been continuing at Guwahati.

5. The respondents have contested the claim of the applicant in their written statement. It was stated in the written statement that the office of AIR, Itanagar has a total strength of 18 employees but the office is running the Centre with the 5 staff members only and remaining 13 posts are still lying vacant and considering the low manpower, the applicant being the longest stay at Guwahati was transferred to Itanagar for exigency of public service.

6. Mr.A.Ahmed, learned counsel for the applicant submitted that in the representation dated 02.02.2017, the applicant had submitted that he is ready to join at AIR, Tezpur after the 12th final examination of his daughter is over, however, within four months of cancellation of his transfer order to Tezpur, the respondents have again transferred him to AIR, Itanagar. Learned counsel also submitted that earlier also, he had served at AIR, Itanagar from November, 1995 to June, 2007.

7. Mr.R.Hazarika, learned Addl. C.G.S.C. appearing for the respondents reiterated the contentions made in the written statement and submitted that applicant was transferred to Itanagar for exigency of public service.

8. We have heard learned counsel for the sides and perused the pleadings and the materials placed on record.

9. The applicant had challenged the transfer order on the ground that his daughter was studying in XII in KV, Khanapara and her final examination would be over by March, 2018. By virtue of the interim order he has been

continuing in his present place of posting. By this time this O.A is being disposed of, applicant's daughter's examination must have been over in March, 2018. Since the applicant prayed for retention at Guwahati till Class 12 final examination is over, and by virtue of the interim order dated 28.7.2017 he has been able to continue at Guwahati, therefore, no further order is called for in this case now.

10. At this stage learned counsel for the applicant fervently prayed that despite the fact that applicant undertook to join at AIR, Tezpur after her daughter's 12 final examination was over, the respondents have transferred to AIR, Itanagar where he had already served for 13 years. Learned counsel prayed that if this Tribunal is not willing to grant the relief(s) as prayed for in this OA, the respondents may be directed to consider him for posting at a nearby place which will enable him to discharge his duties smoothly and to look after his family as well.

11. In view of the prayer of the learned counsel for the applicant, the applicant is directed to submit a

comprehensive representation before the competent authority giving the preferred choices other than Guwahati for transfer within a period of one month from the date of receipt of this order. On receipt of the same, the respondents shall consider and dispose of the same by passing a speaking and reasoned order within a period of three months thereafter. Till such time, applicant shall be allowed to continue at his present place of posting at Guwahati.

12. With the above direction, O.A. stands disposed of. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICAIL MEMBER

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