

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00092/2019

Dated Wednesday the 30th day of January Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

S.Srinivas,
Floor Assistant, Doordarshan Kendra,
Swami Sivananda Salai,
Chennai 600005.Applicant

By Advocate M/s. Amancharla V. Gopala Rao

Vs

1.Union of India, rep by its
Principal Secretary, Ministry of Information & Broadcasting,
Room No. 655, A wing of Shastri Bhavan, New Delhi 1.

2.Prasar Bharathi, CEO & Director General,
Doordarshan, Doordarshan Bhavan,
Copernicus Marg, New Delhi 1.

3.Director,
Doordarshan Kendra,
Swami Sivananda Salai, Chennai.

4.Director, Doordarshan Kendra,
Ramanthapur, Hyderabad.

5.T.Sudharshan, Floor Assistant, Doordarshan Kendra, Chennai.

6.B.Kridhna, Doordarshan Kendra, Chennai.

7.S.Chandra Goud, Doordarshan Kendra, Chennai.Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"a. Set aside the office order No. 02/2019-SI dt. 25.01.2019 issued by the respondent No. 2 to the extent of transfer of the respondent No. 5, 6 & 7 who are juniors to the applicant in the cadre of floor assistant, pending consideration of the representation of the applicant requesting for transfer to Hyderabad, from DDK, Chennai to DD, Hyderabad as the same is illegal, unconstitutional and arbitrary and

b. Consequently direct the respondent no. 2 to consider the applicant who is senior most in the Chennai station as per his eligibility for transfer to the available/existing vacancy in DDK, Hyderabad,

c. And to pass such other order or orders as the Hon'ble Tribunal deems fit and proper in the circumstances of the case."

2. It is submitted that the applicant was initially appointed as a Floor Assistant in DDK, Hyderabad on casual basis in 1999. He was regularised as Casual Artist and posted to DDK, Chennai on 27.07.2015. The applicant has since been representing for a transfer to DDK, Hyderabad but never received a reply. The applicant made his last representation on 30.07.2018 seeking to be transferred against a vacancy consequent to the superannuation of one Mr. M.Allah Bakash on 30.06.2018. However, even as his representation was kept pending, Annexure A1 impugned order dt. 25.01.2019 has been passed accommodating three alleged juniors of his who have now been transferred to Hyderabad overlooking the claim of the applicant. Aggrieved by the unfavourable order, the applicant is before us.

3. Mr. M. Kishore Kumar takes notice for the respondents and submits that he had ascertained the facts of the case. His instructions were that the three

alleged juniors who have been transferred to Hyderabad have already been relieved and they have also reported for duty at Hyderabad today. The pendency of the applicant's representation could not be linked to the transfer of the other three persons. However, the respondents would consider the applicant's representation and pass a reasoned and speaking order within a time limit to be set by this Tribunal.

4. Learned counsel for applicant would submit that the applicant may be permitted to make a fresh representation regarding how he had a better claim than his juniors for a transfer to Hyderabad.

5. Keeping in view the above submission and without going into the substantive merits of the case, we are of the view that this OA could be disposed of with permission to the applicant to make a fresh representation regarding his grievance to the competent authority within a period of one week from today. On receipt of such representation, the competent authority shall consider the same along with his previous representations and pass a reasoned and speaking order within a period of six weeks thereafter.

6. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

SKSI

30.01.2019

(R. Ramanujam)
Member(A)