

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.211/2019

Date of Decision: 30.04.2019.

CORAM: R. VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

PJ Francis,
Age about 57 years
S/o Late PV Joseph,
R/at Navjeevan-1#502, 5th Floor,
Sec-5, CGS Colony, Kane Nagar,
Antophil, Mumbai 400 037.
Presently working as Cameraman
Grade-I for Doordarshan. *Applicant*
(In person)

VERSUS

Union of India through:

1. The Prasar Bharati Broadcasting Corporation
Through the Chief Executive Officer,
Ministry of Information & Broadcasting,
Copernicus Marg, Mandi House,
New Delhi 110 001.
2. The Director General,
Doordarshan Bhawan, Copernicus Marg,
Mandi House, New Delhi 110 001.
3. The Add. Director General
Doordarshan Kendra, PB Marg, Worli
Mumbai 400 030. *Respondents*

(By Advocate Shri R.R. Shetty)

ORDER (Oral)
Per : R. Vijaykumar, Member (A)

This application has been filed by the
Applicant on 25.03.2019 under Section 19 of
the Administrative Tribunals Act, 1985
seeking the following reliefs:

"8.i To quash and set aside the impugned transfer order of the applicant (serial no.12) dated 20.03.2019 and relieving order dated 22.03.2019.

8.ii To direct the respondent to dispose his representation by modifying his transfer to Doordarshan kendra, Bangalore.

8.iii To pass any such order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

8.iv To allow the OA with costs.

8.v Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants.

2. The Applicant who is working as Cameraman Grade-I in Doordarshan was transferred in impugned orders No.33/1/2018-SI&SI (A) (Pt.) dated 20.03.2019 from Doordarshan DDK Mumbai to DDK Patn). These transfer orders have been issued on the recommendation of the designated Transfer/Posting Committee of the respondents. The chief grounds of the applicant are that there were no exigencies which have been mentioned in the transfer order; that the transfer has been issued in violation of the transfer policy whereby the persons in his category at Mumbai with the longest tenure of service at Mumbai has not been transferred; that he has less then

three years left for superannuation; and that he has also not completed the normal tenure of four years at Mumbai. He has also refers to his previous request for posting at Bengaluru which had been rejected by the respondents in their letter dated 27.07.2018 in which DDK Mumbai has informed the respondent no.1 that he cannot be relieved for transfer to Bangaluru against his representation because their office was facing considerable shortage of Cameramen.

3. The Respondents have filed their reply and have argued that there is a acute shortage of Cameraman Grade-I at DDK Patna whereas there is surplus of this Grade of Cameraman at Mumbai and there is no vacancy at Bengaluru. They have also stated that although the applicant has less than three years of service left until superannuation and has not completed his normal tenure at Mumbai, the other persons who have completed their tenure have lesser period left for superannuation and two of them are ladies who have been excused from transfer. Further, they have emphasized that there is not even a single Cameraman at Patna and

emphasize, in this context, that Doordarshan had been issued a mandate to mount extensive Election awareness related programmes and have Coverage of Election Awareness Campaign, Election results etc. for which they require experienced Cameramen and further, that they have allowed the applicant all TA/DA so that no financial inconvenience is caused to him. In this connection, they have contended in reply to his claim for relief as under:

"As regards to para 8 i-vi, keeping in view of the above facts and exigencies due to General Election coverages, his transfer to DDK, Patna during the election period is necessary in the public interest as well as his case for choice posting is to be given after the completion of General Election on priority, it is prayed to the Hon'ble Tribunal that his plea may not be entertained and the OA be dismissed with costs."

4. The Applicant who appears in person submits that had the respondents indicated in their impugned order that if such posting at DDK Patna is only on temporary basis to meet the administrative exigencies in view of ensuing general election and he would be considered on priority for his posting back

at his choice posting, he would have complied with such orders even if that could have been in violation of their own transfer policy. However, the respondents have not indicated this position either in the impugned transfer posting order or even by considering his representation and passing orders on his such representation.

5. The Applicant submits that if the respondents have agreed to considering his choice posting after completion of general election on priority, the applicant is ready even at this stage to comply with the posting made vide impugned order.

6. In the facts and circumstances, the OA is disposed of with noting the assertions made by the applicant during the course of arguments that he would comply with the impugned order by reporting and joining at the new place of posting i.e. DDK Patna within three days from today. In case, if the applicant reports for joining his duties at the new place of posting i.e. DDK Patna within three days, the respondents are directed to consider him for his choice posting on priority within six weeks of

completion of the ongoing general elections.

The respondents shall also ensure that applicant gets the admissible TA/DA by tomorrow.

7. In the aforesaid terms, the OA is disposed of. No order as to costs.

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

dm.

J0
1/5/19
or