

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA 1440/2003

NEW DELHI, THIS THE 30<sup>TH</sup> DAY OF MAY, 2003

HON'BLE SH. SHANKER RAJU, MEMBER (J)

Sh. Sushil Chandra  
S/o Sh. P.P.Gupta  
Working as Director (Engineer)  
Office of the Chief Engineer (North Zone)  
All India Radio (AIR)  
Jamnagar House, Shahjahan Road  
New Delhi.

...Applicant

(By Advocate Sh. Vipin Singhania with  
Sh. J.V.Tomar)

V E R S U S

1. Union of India through  
Secretary, Ministry of Information  
And Broadcasting, Shastri Bhawan  
New Delhi.
2. Director General, All India Radio (AIR)  
Akashvani Bhawan, Parliament Street  
New Delhi.

...Respondents

**O R D E R (ORAL)**

SHRI SHANKER RAJU

Applicant impugns respondents' order dated 28-4-2003 wherein he has been transferred from his home town to Aligarh. One of the contention putforth is that the transfer is against the guidelines wherein it is provided that members of staff who are within three years of approaching the age of superannuation, will, if posted at their home town, not be shifted therefrom, if it becomes necessary to post them elsewhere, efforts will be made to shift them to near their home towns to the extent possible.

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2. Further drawing my attention towards transfer policy dated 4-8-1981, it is contended that as a normal rule, a person with the longest continuous stay at the station should ordinarily be transferred. It is contended that those having longer stay than the applicant have not been transferred meeting out discrimination to the applicant violative of Article 14 & 16 of the Constitution of India.
3. Applicant has preferred a representation against this transfer on 1-5-2003 and 19-5-2003 and learned counsel states that the applicant is yet to be relieved.
4. Keeping in view the pendency of the representations and also the decision of the Apex Court in UOI & Ors. Vs. S.L.Abbas (1993 (4) SCC 357), OA is disposed of at the admission stage with directions to the respondents to consider the representations of the applicant in the light of their own policy guidelines and having regard the superannuation of the applicant approaching within 2 years, by detailed and speaking order within two weeks from the date of receipt of a copy of this order. Till then, applicant shall not be disturbed in so far as his posting at home town is concerned.
5. Let a copy of this order be sent to the respondents.
6. OA is disposed of as above.

S. Raju

(SHANKER RAJU)  
JUDICIAL MEMBER

AND/