

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2347/2003

New Delhi, this the ~~14~~ ¹⁵ day of January, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Sh. Chandrashekhar
S/o Sh. Purnanand
R/o D-69, Indira Nagar
Izzat Nagar, Bareilly - 243 122
(presently posted as Assistant
in Indian Veterinary Research
Institute (IVRI), Izzat Nagar
Bareilly.

Also at :-

F-45, Green Park Main
New Delhi - 110 016

...Applicant

(By Advocate Sh. Varun Goswami)

V E R S U S

1. Union of India
Ministry of Agriculture
Krishi Bhawan, New Delhi - 110 001
(through its Secretary).

2. Director General, Indian Council of
Agricultural Research (ICAR)
Krishi Bhawan, New Delhi - 110 001.

3. Director,
Indian Veterinary Research Institute
Izzat Nagar, Bareilly - 243 122.

...Respondents

(By Advocate Sh. E.X. Joseph
with Sh. V.K.Rao)

O.R.D.E.R

Shri Sarweshwar Jha,

Heard. The applicant has impugned the office order dated 11-7-2003 (Annexure A-1) passed by the office of the respondent No. 2 whereby the petitioner has been transferred from the Indian Veterinary Research Institute (IVRI), Izzat Nagar, Bareilly to National Research Centre on Pig, Guwahati along with the post. He has accordingly prayed that the said order may be quashed and that directions be given to

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the respondents not to interfere with his functioning as Assistant/Secretary of IJSC, IVRI, Izzat Nagar, Bareilly and to pay his salary.

2. At the very outset, the learned sr. counsel appearing for the official respondents contended that this Tribunal has no jurisdiction in the matter as the cause of action had arisen at Bareilly, where the applicant had been posted and from where, he has been ordered to be transferred to Guwahati.

3. The contention of the learned counsel for the applicant was, however, that the cause of action had essentially arisen in Delhi where the Indian Council of Agricultural Research is located and with whose orders, the applicant has been transferred from IVRI, Izzat Nagar, Bareilly to National Research Centre on Pig, Guwahati, as is evident from the impugned office order dated 11-7-2003. While the ld. sr. counsel for the official respondents Sh. E.X. Joseph insisted that many of the orders passed by the Institute under the ICAR would have been issued only with the approval of the competent authority located in the ICAR based in Delhi and no exception could be made in the present office order, the ld. counsel for the applicant Sh. Varun Goswami argued that this was not the case with all office orders passed by the Institutes under the ICAR. In the present case, the impugned office order was not only issued by the ICAR in Delhi, but also it was a fact that the transfer of the applicant along with the post that he had held at IVRI, Izzat Nagar, Bareilly to National Research Centre

on Pig, Guwahati could have been made only with the approval of the competent authority of the Council located at New Delhi. In other words, it was beyond the competence of the Director of IVRI, Izzat Nagar, Bareilly to have transferred the applicant from Bareilly to Guwahati along with the post and naturally the subject matter fell within the competence of the ICAR Headquarters in New Delhi. The learned sr. counsel for the respondents further argued that the matter had initially been taken up by the Director of the IVRI, Izzat Nagar, Bareilly with the ICAR and it was on his initiative that the ICAR took the said decision and issued the impugned office order. In his opinion, therefore, it would not be correct to argue that the cause of action, which had occurred with the issue of the office order, was rooted in the ICAR, New Delhi. According to him, it would be necessary to see the genesis of the order and to decide the matter relating to jurisdiction accordingly.

4. The learned counsel for the applicant, extending his argument that the cause of action had actually taken place in New Delhi, referred to the other orders passed by the respondents on the related aspects of the matter particularly matters relating to the functioning of the Members of the Joint Council Machinery (JCM) under the Joint Council Scheme of ICAR, of which the applicant was Secretary at the Institute level JCM, placed at Annexures A-2 - A-4. He has also referred to the communication dated 12-11-99 of the ICAR, New Delhi placed at Annexure A-V to prove his point that the ICAR, New Delhi was always involved in the matter of transfer of the applicant.

The applicant in turn appears to have represented through his father to the Minister Incharge of Agriculture who also happened to be the Chairman of the ICAR, seeking his intervention in the matter of cancelling his transfer on humanitarian and family grounds so that he could shoulder the responsibility towards his wife and children and also his old ailing parents residing with him at Bareilly.

5. Having regard to the submissions made by the two sides, as referred to above, the question of whether this Bench of the Tribunal has jurisdiction in the matter was considered keeping in view the provisions on the subject under Section 7 of the Administrative Tribunals Act, 1985 read with rule 6 of the CAT (Procedure) Rules, 1987 and it has been found that the cause of action in the present case has arisen in the ICAR, New Delhi who have issued the impugned order dated 11-7-2003 and accordingly I hold that this Bench of the Tribunal has jurisdiction in the matter.

6. Learned counsel for the applicant then proceeded to submit the facts of the case and the reliefs sought by the applicant in the OA. The facts of the matter, as submitted by the applicant in the OA, briefly, are that he is presently working as an Assistant at the IVRI at Izzat Nagar, Bareilly. He has been in the service of the respondents since 1984 when he was appointed as a Junior Clerk at the Central Institute of Research on Goats at Mathura and was subsequently transferred to IVRI, Izzat Nagar in the year 1990. His wife also is an employee of the

respondents and is posted at IVRI, Izzat Nagar, Bareilly. The said institute is one of the institutes of the Indian Council of Agricultural Research (ICAR) which is a registered society run and aided by the Central Government under the supervision and control of the Ministry of Agriculture, New Delhi. The ICAR and its Institutes are governed by the bye-laws framed by the society which happen to be generally similar and identical with the various government rules and notifications applicable to different Govt. organisations. According to the applicant, the various institutes under the ICAR have different activities to look after and are independent of each other. The IVRI is having 5 regional stations with headquarters at Bareilly.

7. A reference has been made to the Joint Consultative Machinery set up by the Government of India in the year 1979 with a view to initiating and synchronising joint consultation and arbitration of unresolved matters and also for promoting harmonious relations with the employees with an over all objective of enforcing greater efficiency in the work management, and the same machinery having been established in the ICAR also. The said scheme covers all the employees under the ICAR with the exception of group 'A' and above officers. It was in the year 1983 that the said machinery was established in the ICAR at all India level - Central Joint Staff Council (CJSC) and also at the different institute level - Institute Joint Staff Council (IJSC). While the Council at the All India Level is headed by the Director General, ICAR, the Institute Joint Staff Council is headed by

the Director of the Institute himself consisting of official side and staff side. The official side will have six members including the Officer Incharge for Administration and the Officer Incharge of Accounts, other members of the official side being nominated by the Director of the Institute from amongst the officers of the Institute, the staff side will consist of directly elected members by the employees of the category which the member would represent. The number of persons on the staff side represent different categories of staff especially determined as on 1-1-1979 and thereafter every 3 years if considered necessary by the Director General, ICAR. The staff side members, like the official side, shall have a Secretary elected by them and who will continue as Secretary of the staff side so long as he does not cease to be eligible to become a Member of the staff side of the Institute Joint Staff Council, in which case, the members on the staff side shall elect another person as Secretary on the staff side. In the present case, the applicant is the Secretary of the Joint Council of TVRI and also the representative member at the Central Joint Council at New Delhi. The applicant prior to his holding the office of Secretary of the Institute Joint Staff Council (IJSC) of TVRI, was also holding the said office since the year 1998 and he has claimed that he has been elected and returned to the said post uninterruptedly. He has also claimed that he has been a Member of CJSC since 1994. This aspect of the matter has been highlighted by him to reinforce his argument that he has been an honest and sincere employee/staffer till date and that his record has been clean and unblemished. He has

drawn an analogy between the working of IJSC with that of other associations/trade unions in any other institute or establishment in the country and has argued that rules, regulations and norms applicable to such associations/trade unions and their office bearers can safely be applied to the functioning of the IJSC. In this context, he has brought in the fact that the actions of the office bearers of the IJSC have remained an eye sore to the management and as such the management has been applying different tactics like transfers, suspension, initiating fabricated cases etc. against the members of the IJSC with a view to demoralising and curtailing their activities. It is in this context that the applicant has referred to the policy laid down vide Circular dated 26-6-86 informing the Principal of the institutes of the ICAR that as a matter of policy, no transfer of any of the Members of the Institute Joint Staff Council or CJSC would be made (Annexure A-3). The applicant has argued that in the said Circular, transfers of the office bearers of the IJSC and CJSC have been viewed as a tool of harassment of such office bearers. In his opinion, the said Circular was issued to safeguard the objectives of the Joint Consultative Machinery so that the same may not be defeated by way of harassment through transfers.

8. The applicant has submitted that he has been a vocal critic of the unjustified and arbitrary working and functioning of the officers on the official/management side and has in the process gained

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the trust and confidence of the staff for the last 9-10 years during which he has been continuously elected as Secretary of the IJSC.

9. The applicant has taken us through an incident in the year 1999 as submitted in paragraph XIV and XVII in which he claims to have voiced opposition to the actions taken by the then Director of IVRI and which led to creation of circumstances leading to harassment and humiliation of the applicant and subsequently his transfer on 23-6-99. It is observed that the action taken by the Director in transferring the applicant was then challenged by the applicant by filing an OA in the Allahabad Bench of the Tribunal. The said OA was, however, subsequently withdrawn by the applicant on withdrawal of the transfer order by the respondents (respondent No.3) as submitted by the applicant in paragraph XVII. He has tried to argue that he has always been at the receiving end and simply for the reason that he is a fire brand, honest and uncompromising activist advocating and pursuing the rights and cause of the members of the staff side. In the instant case also, the applicant has alleged that the official side and the management have left no stone unturned to humiliate, harass and demoralise him by methods like threats of transfer, suspension, termination and false implication in criminal cases etc. According to him, the impugned transfer order has now been passed by respondent No.2 in complete derogation, breach and violation of the ICAR instructions and policies as a result of the letter written by the applicant on 15-3-2003 to the respondent No.3 highlighting and

complaining about the sexual harassment of the ladies employees of the institute at the hands of the scientists in their labs.

10. Finally, he has argued that the impugned transfer order, though claimed to have been issued in public interest, has nothing to do with his official posting and functioning inasmuch as the applicant has been transferred to Guwahati along with the post and more importantly to an altogether different institute by respondent No.2. He has alleged that he has been transferred on account of his being the Secretary of the IJSC and the impugned order has been passed maliciously in an outright colourable exercise of power by respondent No.2 at the behest of respondent No.3. He has inferred that, by transferring him to a totally different institute at Guwahati, respondent No. 2 has intended to debar him from contesting the forthcoming elections to CJSR in November, 2003. The basis of his arguments in this regard has been elaborated in paragraph XXII of his OA.

11. Some of the above points have been reiterated with greater emphasize by the learned counsel for the applicant. Additionally, he has submitted that the respondents have violated the transfer rules as laid down by the ICAR while transferring the applicant from Bareilly to Guwahati and that no rationality is involved in transferring a non-technical staff, which the applicant is. Such staff members can be transferred only at the request made by him as provided for in para 5.1.3 of the manual of transfer in respect of ICAR employees.

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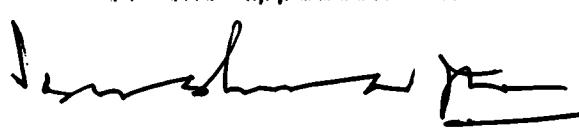
Learned counsel for the applicant has also brought in the aspect of power of transfer and has argued that the relevant powers don't vest in the authority transferring the applicant vide the impugned orders. In this connection, he has raised the question of transfer being used as a punitive measure and the same being not permitted. In this connection, he has cited the decisions of the Tribunal as reported in ATR 1986 CAT 304 in OA 283/2002.

12. Incidentally, the applicant has been placed under suspension following the filing of this OA. The reasons given for placing the applicant under suspension, as given in their order No. 4-9/2003-Vig. (Annexure A-15) dated 18-9-2003, are that a disciplinary proceeding is contemplated against him. Though the applicant has not moved to Guwahati on transfer, the same having been stayed by this Tribunal, it has been directed in the order relating to suspension of the applicant that during the period of suspension the Headquarters of the applicant would be National Research Centre on Pig, Guwahati and that he shall not leave the headquarters without obtaining the prior permission of the Director, NRC on Pig, Guwahati.

13. The respondents have taken us through their submissions in the counter and have broadly refuted the claims of the applicant particularly in regard to the various reliefs that he has sought. Their main contention is that the orders passed by the respondents do not violate any legal right of the applicant and the same is not liable to be challenged

by him while maintaining that the applicant has abused the process of law by filing a present application. They have confirmed that he has been transferred due to administrative exigencies. In this connection, a reference has also been made to the orders of the Allahabad Bench of the Tribunal in OA 1225/99 as filed by the applicant in the year 1999 seeking stay of his transfer and the same having been declined by the Tribunal. The respondents have argued that the present OA has become infructuous for the reason that the applicant already stands transferred w.e.f. 11-7-2003 and accordingly relieved with effect from the same date itself. The fact that he has been transferred in terms of the service conditions mentioned in the appointment letter, they have argued that no malafide can be alleged. It appears that the respondents are apprehensive of the situation in the institute becoming chaotic in the event of his/their interference in its day to day functioning. They are also not inclined to accept the argument of the applicant that his wife is an employee of IVRT, Izzat Nagar and that, for that reason, also his transfer may be stayed.

14. On the question of the applicant being an office bearer of the Joint Council of the Institute and his serving the cause of the Scheme and for that matter at present enjoying non-transferability, the respondents have submitted that the applicant instead of working for the rights and welfare of the staff, has misused the Forum for his personal vested interest. They have further contended that the claim of the applicant that he has unblemished record has no



bearing on the impugned action of the respondents, as the transfer order has been issued as an administrative exigency. They have also raised the question of promoting harmonious relations and securing greatest measure of co-operation in matters of common concern with further object of increasing the efficiency of the service/Institute/ICAR as being the over all objective of the JCM Scheme. Some of the specific objectives of the Scheme have been given in para 4.XII. The respondents have alleged that some of the office bearers have used the Forum either to raise individual issues or such issues as have no relevance to the welfare of the staff members or improvement of efficiency in the Institute. The fact that relations between the official side and the staff side representatives in the Council get bitter at times and that the Director of the Institute does not resort to transfer of the Joint Council representatives, some instructions have been issued by the ICAR from time to time not to transfer JCM representative by way of vindictiveness or harassment. However, they have maintained that the JCM representatives are essentially employees of the Institute first and, therefore, are subject to service and conduct rules relating to such employees and are not thus beyond the purview of the relevant rules on the subject. They have refuted the allegations that the applicant has been harassed or victimised in any manner and have affirmed that his transfer has been ordered in public interest and the same cannot be termed as harassment.

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15. In this connection, the respondents have also referred to the admission of the fact by the applicant that he has been vocal and critical of the functioning of the officers and management side. Taking cue from this admission of the functioning of the applicant as a staff side representative in the JCM Scheme, the respondents have argued that this has led to vitiation of the atmosphere in the Institute, particularly resulting from the applicant having indulged in such activities in connivance with some outsiders. They have referred to the applicant instigating people and bringing the issues in the press/media to the extent that the 'command and control structure of the institute was totally broken down'. This, according to the respondents, made the TCAR Headquarters intervene after analyzing the whole situation at very high level, and that in order to reinforce the system and to make the environment at the Institute conducive to research, the respondents shifted five senior Scientists and the applicant from IVRT. They have claimed that this action of the respondents was a part of a wider decision. The reasons for urgent handling of the matter including shifting the applicant from Bareilly have been given in paragraph 4 (XVIIIT & XIX). This also includes allegations of sexual harassment against the applicant.

16. As regards the question of the applicant ceasing to be a Member of the JCM of IVRT, the respondents have contended that the relevant orders in this regard were issued by way of incidence of

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transfer and not by way of any motive. They have referred to clause 8 (III) of the JCM Scheme in this regard.

17. However, the contentions of the respondents have not been accepted by the applicant. In his rejoinder, the applicant has vehemently denied that he was transferred in public interest or for any administrative reasons. Most of the submissions that he has made in the rejoinder, had already appeared earlier and he has merely reiterated them to reinforce his position as maintained earlier. Things like there being no post of Assistant in the new place of posting, respondent No.3 having no direct knowledge about the activities of the applicant nor having any power to transfer the applicant, the applicant having approached the Allahabad Bench of this Tribunal earlier against his transfer in 1999 and the same having been concealed by the respondents, his appointment as an Assistant carrying no all India transfer liability as a condition of his service, his transfer being against the Recruitment Rules as laid down in the Administrative Instructions/Manual of the ICAR, the respondents having issued the impugned order in unforeseen haste while he was on medical leave, and the impugned order having been issued to disqualify him from Membership of the TJSR are some of the things reiterated by the applicant. The applicant has also cited the following decisions in support of his various contentions as referred to above, namely,

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(i) (2001 (2) SCC 294) in **Rajasthan High Court Advocates' Association v. UOI & Ors.**, where various aspects of cause of action having arisen in a writ case have been dealt with and it has been held that this would have to be decided judicially in case to case and not by an administrative order ;

(ii) (AIR 2000 SC 2966) in **Naveen Chandra N. Majithia v. State of Maharashtra** in which it has been held that Writ can run beyond territorial jurisdiction of High Court if cause of action arises within territorial jurisdiction.

(iii) (1989 (2) SCC 163) in **ABC Laminart Pvt. Ltd. & Anr. v. A.P. Agencies, Salem**, in which various aspects of Court's jurisdiction had been dealt with including that absolute exclusion is void. The said case also had involved transfer ;

(iv) OA 26/1986 decided on 25-3-1986 in **K.K.Jindal v. General Manager, Northern Railway & Ors.** (AIR 1986 CAT 304) holding that an order of transfer must conform to rules, if any, framed and policy, if any, enunciated by the Government ; that it must not be punitive in nature and ordered in colourable exercise of power ; and that routine transfer ordered merely on administrative expediency cannot have such penal consequences. References have been made to various other cases as decided by the Hon'ble Courts including the Apex Court in support of the principles as laid down by the Hon'ble Tribunal while deciding the said OA ;

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(v) OA 15/86-R decided on 28-4-1986 by the Jodhpur Bench of the Tribunal (ATR 1986 CAT 314) ; in which it has been held that there is scope of judicial scrutiny in regard to the transfers if done in extraneous consideration ;

(vi) OA 283/2002 and OA 284/2002 in A.D.Sharma & Anr. v. UOI & Ors. decided by Jodhpur Bench of the Tribunal on 26-11-2002 in which it had, among other things, been held that an order of transfer which is used as a cloak for punishment will be a malafide exercise of power.

18. The respondents also have relied on a number of cases in support of their contentions that the transfer of the applicant had been ordered in public interest and for administrative reasons and there was no malafide involved in the transfer. Some of the decisions relied upon by them are as under :-

(i) OA 92/93 decided by the CAT, Lucknow Bench on 8-7-93 in which it had been held that transfer order issued by the competent authority on administrative grounds on vigilance advice could not be interfered with, especially when representations against the same had been disposed of after application of mind ;

(ii) Matter No.413/1975 decided by the Hon'ble Calcutta High Court on 23-8-76 in Ram Das Pandey v. State of West Bengal, in which it had been held that malafide/malice must be alleged against particular officer who has taken the decision.

Parashuram Patel

(iii) [(1995) 2 SCC 532] in **Chief General Manager (Telecom) and anr. v. Rajender Ch. Bhattacharjee and ors.**, where, among other things, it has been held that in the absence of legal or statutory right of the transferee, judicial review of the transfer of such employee is unjustified.

(iv) (1994 (6) SCC 98) in **N.K.Singh v. UOI & Ors.**, in which also transfer in public interest had been upheld and it had also been recognised that interference in such cases would be justified only in cases of malafide or infraction of any protest norm or principle and where career prospectus remain unaffected and no detriment has caused.

(v) (1995 (3) SCC 270) in **State of MP & Anr. v. S.S.Kourav & Ors.** in Civil Appeal No.1285/95 decided on 19-1-95 in which again it had been held that transfer cannot be subjected to judicial review merely on the ground that transferee had also worked in the post at the place where he was again being transferred to.

(vi) (1993 (4) SCC 357) in **UOI & Ors. v. S.L.Abbas** (Civil Appeal No.2348/93) decided on 27-4-93, in which it had been held that there would be scope for judicial review only when there is malafide in the order or the same has been made in violation of statutory provisions. Accordingly, it was held that

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while ordering the transfer, the authority must keep in mind the guidelines issued by the Govt. on the subject.

(vii) and lastly (AIR (1991) SC 532) Civil Appeal No. 5418/90 in Mrs. Shilpi Bose & Ors. v. State of Bihar & Ors. in which it had, among other things, been held that no mandatory rule should be violated by transfer and that a Govt. servant holding a transferable post has no vested right to remain posted at one place or the other and he was liable to be posted at one place or the other or liable to be transferred from one place to another.

19. It is thus observed that while the applicant has focussed on the transfer being arbitrary and against the instructions on the subject and the same has been ordered in colourable exercise of power by the respondents inspite of the fact that there was no post available at the place to which he has been transferred and further that the respondents had malafide in transferring him, the respondents have contended that the transfer has been done in public interest and for administrative reasons and that the transfer has been ordered according to the rules and instructions available on the subject and that there has been no malafide in ordering the said transfer. The two sides are also not on the same platform when the various aspects of the Joint Consultative Machinery (JCM) have been discussed. While the applicant has alleged that the intention of the respondents in transferring him from Bareilly to Guwahati was to disqualify him in becoming a Member of

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IJSC, the respondents have maintained that transfer is an incidence of service and, therefore, the same has been ordered as a part of administrative requirement of the respondents organisation. However, it discerns from the submissions of both the sides that the applicant did get into severe conflict with the respondents while functioning as a Member of the IJSC by being highly critical or vocal about the actions of the respondents. It is also surmised that, while functioning as a Member of the IJSC, the applicant might have crossed the limits of functioning as a functionary of the JCM, who functions on the basis of harmony, understanding and respect for each other. There is no doubt that JCM cannot function smoothly if both the sides look upon each other as adversaries and not as joint partners in making the functioning of the Scheme as well as the organisation smooth so as to achieve the objectives for which the organisation has been set up. It would certainly not be in the interest of either the organisation or the employees to be on a war path, ignoring the aims and objectives for which the JCM has been introduced.

20. While these aspects may not be directly related to the case, the fact remains that the applicant was transferred by the respondents not singly but along with some others including scientists. From this, it appears that the transfer must have been ordered keeping in view the over all interests of the Institute and its functioning. It does not go logically well with the rationale adopted by the applicant in holding a view that the respondents have transferred him out of sheer malice.

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if the fact that others also had been transferred together with him is kept in view. There cannot be malafide or malice against so many persons at the same time, particularly when the applicant had also been a party to pointing out problems with the functioning of the scientific community. It is also not clear whether and how the applicant while functioning as a member of the IJSC considered it appropriate to delve into the functioning of the Scientists who were not represented by him as a member in the IJSC. The applicant is quite within his rights to have maintained that he had been performing his duties satisfactorily and also as a member of the IJSC, but it was quite in order that the respondents took a total view of the matter and saw whether transferring certain employees would be in furtherance of the interest of the Institute. It also appears that the applicant had been transferred earlier also in the year 1999 when he had approached the Allahabad Bench of the Tribunal and in which case his transfer had been stayed. This shows that the performance of the applicant both as an employee as well as a member of the IJSC was in dispute over a period of time. While it is observed that the respondents have issued instructions from time to time to ensure that the Members of the IJSC are not harassed by the Institutes while such members might get into conflict with the management of the Institutes in the process of their functioning as such members and thus was conscious of the fact that such members have to be enabled to perform their functions as members of the IJSC properly, it also places additional responsibility on such members to perform their functions in such a

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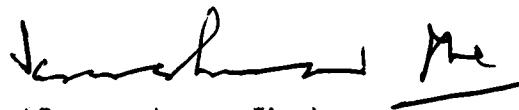
manner as not to get into conflict with the functionaries concerned, thereby diluting or nullifying the objectives of the system itself. It appears that the said instructions were not properly appreciated by the parties. However, being conscious of the fact that the interests of the Institute and the Council are supreme and to which all are equal parties and also that each one of them has to perform in such a manner that execution of the activities of the Institute are not in any way hindered by any one of them in any manner whatsoever, it remains undisputed that the administration, within the rules and instructions on the subject, would be competent to take necessary steps to ensure the proper functioning of the Institute. Transfer being incidence of service and being a part of the liabilities which the employees carry, it would be within order if transfer is made in public interest and for administrative reasons in the furtherance of the interest of the Institute and the Council.

21. Under these circumstances, I do not consider it appropriate to interfere with the orders of the respondents as conveyed vide their impugned orders. I have, however, come across the fact in the submissions of the applicant that as his wife is also an employee at TVRI, Izzat Nagar, Bareilly and also for some other reasons, he has prayed for his being allowed to stay at TVRI, Izzat Nagar, Bareilly. It would be for the respondents to consider this aspect and to deal with it appropriately under the orders of the Government, particularly the ones relating to the

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Government Departments/Organisations making an endeavour to ensure that the spouses are allowed to be at the same station as far as possible.

Having regard to the facts and circumstances of the case and keeping in view the decisions relied upon by both the parties, the OA thus stands disposed of in terms of the above observations/directions. No order as to costs.

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(Sarweshwar Jha)
Member (A)

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