

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

**Original Application No.20/298/2018 with
MA Nos. 511/2018, 221/2019 & 8/2019**

Date of Order: 30.10.2019

Between:

Sagam Jamili Reddy,
S/o. Venkateswara Reddy,
Aged about 58 years, Gr. B,
Occ: Senior Engineering Assistant,
R/o. 4-41 B, G. Konduru,
G. Konduru, Krishna District – 521229.

... Applicant

And

1. Union of India, Rep. by its Secretary,
Information and Broadcasting, New Delhi -1.
2. The Broadcasting Corporation of India,
Known as Prasara Bharati,
Rep. by CEO, Prasara Bharati Secretariat,
Tower C, Mandi House, New Delhi -1.
3. The Additional Director General (E) (SZ),
Prasara Bharati,
All India Radio & Door Darshan,
Swamy Sivananda Salai, Chennai – 600 005.
4. The Dy. Director General (E),
All India Radio, MG Road,
Punnamma Thota, Vijayawada – 520 010.
5. The Dy. Director General (E),
All India Radio, Cuddappah.

... Respondents

Counsel for the Applicant ... Mr.V.V. Rama Krishna

Counsel for the Respondents ... Mr. A. Radhakrishna, Sr. PC for CG

CORAM:

***Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

ORAL ORDER
{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicant is working as Senior Engineering Assistant in the Prasara Bharati. While he was working at Vijayawada in the said post, the competent authority transferred him to the All India Radio, Cuddappah, vide order dated 23.03.2018. This OA was filed challenging the order of transfer in so far as it relates to him.

2. The applicant contends that he is due to retire on 31.01.2020 and according to the transfer policy framed by the respondents, an employee is entitled to remain in the same station 3 years before his retirement and that he was transferred in violation of the said policy.

3. Respondents filed a detailed counter affidavit. It is stated that the applicant, soon after the transfer and despite that, he did not join the station at Cuddappah. It is also stated that the guidelines are only directory in nature and much would depend upon the departmental exigencies.

4. We heard Mr. V.V. Ramakrishna, learned counsel for the applicant and Mr. A. Radhakrishna, learned Senior Panel Counsel for the Central Government for the respondents

5. The challenge in this OA is to an order of transfer dt. 23.03.2018. Principal ground urged by the applicant is that the left over service is less than 2 years, and according to the guidelines framed by the respondents, he is entitled to remain at a station of his choice. It is true that the guidelines are directory in nature, but at the same time, they cannot be ignored just like that. Further, things

would have been different altogether had the OA been heard a bit earlier. By now, the left over service of the applicant is only 3 months. There is no point in directing him to join at Cuddappah and then to come back and settle in Vijayawada. There is a purpose underlying in the guidelines that provide for retention of the employee at the station of his choice two or three years before his retirement. Various domestic affairs need to be settled immediately before retirement.

6. We, therefore, allow the OA and set aside the impugned order dt. 23.03.2018 in so far as it relates to the applicant. It is directed that the applicant shall be taken on duty at Vijayawada if he reports within 15 days from today and shall be entitled to retire at that station itself. The manner in which the period between the date of transfer and the date of joining must be treated shall be decided by the concerned authority, in accordance with the relevant Rules.

7. In view of the above order passed in the OA, pending MAs stand disposed.

8. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

(Dictated in open court)
Dated, the 30th day of October, 2019

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