

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/249/2021 & MA/9/2022

HYDERABAD, this the 8th day of March, 2022



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

M. Venkateswara Rao,
S/o. Chandrasekhar Rao,
Aged about 59 years,
Working as Library Information Assistant,
O/o. All India Radio,
Saifabad, Hyderabad.

...Applicant

(By Advocate : Sri K. Sudhaker Reddy)

Vs.

1. Union of India
Ministry of Information & Broadcasting
rep by its Director General,
All India Radio, Akashvani Bhavan,
Parliament Street,
New Delhi ñ 110 001.
2. The Additional Director General(A)(SZ),
All India Radio & Doordarshan,
Chennai ñ 600 005.
3. The Station Director,
All India Radio,
Saifabad, Hyderabad.

....Respondents

(By Advocate : Sri A. Radhakrishna, Sr. PC to CG)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)



2. The present O.A. is filed challenging the transfer of the applicant from Hyderabad to Tirupathi.

3. The brief facts of the case are that the applicant has been working as Library Information Assistant in the respondent's organization. He has been transferred from Hyderabad to Tirupathi on 9.3.2021. Aggrieved over the same, the O.A. has been filed.

4. The contentions of the applicant are that the post of Library Information Assistant is purely a non-technical post. The transfer ordered is in violation of the transfer policy. The applicant is due to retire within 12 months. He and his wife have medical issues and need constant medical attention. There is one post of Library Information Assistant at Hyderabad, which is vacant at the moment.

5. Respondents in their reply stated that the applicant was originally transferred vide order dated 21.4.2017. However, he was retained due to the digitalization programme taken up by the respondent's organization. The competent authority has rejected the representation of the applicant for retention vide order dated 9.3.2021. It is submitted by the respondents that the transfer of the applicant is not just a regular transfer but it is effected due to exigencies of service. There is a shortage of staff in the cadre of Library Information Assistant. There are only two L.I.A posts and not 3 as mentioned by



the applicant. The Commercial Broadcasting Service is a separate Unit in Prasar Bharathi which is in the same complex and is having only one post of L.I.A. The official in position Smt. J. Adilakshmi, L.I.A. was transferred in the place of the applicant. As the applicant was on leave on medical ground, the Commercial Broadcasting Service had relieved Smt. J. Adilakshmi after completion of her leave to report to duty at All India Radio, Hyderabad. Accordingly, she reported in the forenoon of 01.04.2021. The vacant post referred to by the applicant cannot be filled up due to severe shortage of Library Information Assistants elsewhere. The transfers have to be effected in the interest of organization. In order to run the organization smoothly, the post of L.I.A. at Tirupathi has to be filled up. There are good health care facilities at Tirupathi too. The respondents have cited a series of judgements of the superior judicial fora to claim that an employee has no vested right to be posted at a particular place.

6. Heard both the learned counsel and perused the pleadings on record.

7. The dispute is about the transfer of the applicant from Hyderabad to Tirupathi. The applicant claims that the post he is holding is a non-technical one and there is no urgency to transfer him to Tirupathi. He states that he and his wife have serious medical issues and need constant medical attention. Besides, he claims that he is retiring within next 12 months. On the contrary, respondents stated that the transfer had to be effected in the exigencies of service. They cited the judgements of the judicial fora to support their claim that an



employee does not have any vested right to be posted at a particular place. To run the organization smoothly, transfers have to be effected, particularly in the context of Tirupathi, being a world famous pilgrimage centre. The transfer policy of any organization generally, does not entertain transfer of the employees who are to retire within two years. The applicant is reported to be retiring within one year. The Tribunal, at the admission stage of the O.A., has stayed the transfer vide order dated 23.3.2021. The applicant is going to retire by the end of this month. As such, continuing him at the present station would be in the interest of the organization as well as in public interest. Besides, considering the grounds taken by the applicant, it may not be appropriate to relieve him just before his retirement. Hence, the O.A. is allowed. MA/21/9/2022 shall stand disposed of. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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