

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

OP (CAT).No. 68 of 2015 (Z)

AGAINST THE ORDER IN OA 420/2014 of CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 28-01-2015.

PETITIONER/APPLICANT:

A.ANWAR, AGED 53 YEARS,
PROGRAMME EXECUTIVE,
DOORDARSHAN KENDRA,
KUDAPPANAKUNNU,
THIRUVANANTHAPURAM-695 043,
RESIDING AT T.C.4/1285(4),
KOWDIAR P.O.,
THIRUVANANTHAPURAM-695 003.

BY ADV. SRI.S.VISHNU

RESPONDENTS/RESPONDENTS:

1. UNION OF INDIA,
SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING,
NEW DELHI-110 001.
2. THE DIRECTOR GENERAL, DOORDARSHAN,
DOORDARSHAN BHAVAN, COPERNICUS MARG,
MANDI HOUSE, NEW DELHI-110 001.
3. THE DEPUTY DIRECTOR GENERAL,
DOORDARSHAN KENDRA,
KUDAPPANAMKUNNU P.O.,

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR
GENERAL OF INDIA
SMT.MINI R.MENON, ADDITIONAL CGSC.

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF O.A.NO.420/2014 FILED BY THE PETITIONER BEFORE THE HON;BLKE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P2 - TRUE COPY OF THE ORDER DATED 28/1/2015 IN O.A.NO.420/2014 BEFORE THE HON'BKE ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P3 - TRUE COPY OF THE REPLY STATEMENT FILED BY THE RESPONDENTS IN O.A.NO.420/2014 BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P4 - TRUE COPY OF THE REJOINDER FILED BY THE PETITIONER BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

//true copy//

P.S. to Judge

**THOTTATHIL B. RADHAKRISHNAN &
K. HARILAL, JJ.**

O.P. (CAT) No.68 of 2015-Z

Dated this the 31st day of March, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the petitioner and the learned Assistant Solicitor General of India quite in extenso.

2. This is an application under Article 227 of the Constitution of India. The petitioner challenges the dismissal of the Original Application by the Central Administrative Tribunal. He impeached his transfer from Doordarshan Kendra, Thiruvananthapuram to Doordarshan Kendra, Thrissur. The fact of the matter remains that for nearly 20 years he had been working in Thiruvananthapuram. He pleaded that the transfer norms contain certain protective covenants, including the spouse ground and, therefore, he ought not to have been transferred, since his wife, who is employed in the K.S.E.B., is presently working in Thiruvananthapuram. He also

attempted to say that the person with longest stay in his station ought to have been transferred and that one Jyothish Kumar is one who has a longer spell in Thiruvananthapuram. That person is not a party to the Original Application. That position notwithstanding, the Tribunal has taken a cohesive look at all the relevant aspects and has found that there was no ground to interfere with the impugned order of transfer, which is nothing but an incidence of service. The attempt to project a plea of mala fides, was also found against by the Tribunal, quite rightly. The learned Tribunal has adverted to and considered all the relevant facts in the backdrop of the materials placed before it. It has given reasons for the conclusions arrived at by it. We do not see that the impugned decision of the Tribunal is vitiated by illegality or error of jurisdiction warranting interference by this Court under Article 227 of the Constitution of India. This Original Petition, therefore, fails.

In the result, this Original Petition is dismissed in limine.

Sd/-

(THOTTATHIL B. RADHAKRISHNAN, JUDGE)

Sd/-

(K. HARILAL, JUDGE)

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//true copy//

P.S. to Judge