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2026:GAU-AS:3077-

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1112/2026

PRIYABRAT HAZARIKA
S/O LATE PRAMOD HAZARIKA
R/O ALL INDIA RADIO CAMPUS, CHANDMARI, GUWAHATI, ASSAM, PIN-
781003

VERSUS

THE DIRECTOR GENERAL AND 5 ORS.
ALL INDIA RADIO (NEWS SERVICE DIVISION), PRASAR BHARATI HOUSE,
COPERNICUS MARG, NEW DELHI-110001.

2:THE DEPUTY DIRECTOR GENERAL (E)

HEAD OFFICE ALL INDIA RADIO
CHANDMARI
GUWAHATI-3.

3:SRI KANWARJEET SINGH
DEPUTY DIRECTOR (ADMN)
ALL INDIA RADIO
PRASAR BHARATI HOUSE
COPERNICUS MARG
NEW DELHI-110001.

4:SRI RAJEEV BARUAH
ASSISTANT DIRECTOR (PROG)
O/O THE ADGL
DIRECTOR GENERAL (P AND A)
(NORTH EAST ZONE)
ALL INDIA RADIO
CHANDMARI

GUWAHATI-3.

5:SRI MANAS PRATIM SARMA
NEWS EDITOR/RNU HEAD
ALL INDIA RADIO
CHANDMARI
GUWAHATI-3.

6:SRI VIRAAT MAJBOOR
DEPUTY DIRECTOR (RNU)
NEWS SERVICE DIVISION
ALL INDIA RADIO
NEWS BROADCASTING HOUSE
NEW DELHI- 110001

For the appellant/petitioner(s) : Mr. J. Patowary, Advocate
Ms. B. Hazarika, Advocate

For the Respondent(s) : Ms. B. Sarma, CGC

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

27.02.2026

(AshutoshKumar, CJ)

Heard Mr. J. Patowary, learned Advocate for the petitioner, and Ms. B. Sarma, learned Central Government Counsel for the respondents/Union of India and others.

The petitioner has questioned the judgment dated 17.02.2026 passed by the learned Central Administrative Tribunal (CAT), Guwahati Bench, in O.A. No. 198/2020 and O.A. No. 65/2021; refusing to interfere with the transfer of the petitioner to Port Blair from Guwahati.

The petitioner is an employee of the "All India Radio", a government broadcasting service under the "Prasar Bharati", and is working as a

News reader-cum-Translator (Assamese). He was, after his appointment, transferred to the Regional News Unit (RNU), Guwahati, in the year 2000, where he has served for about twenty years.

As claimed by the petitioner, he has earned several accolades and encomiums during his tenure at Guwahati, but for *mala fide* reasons, he claims to have been transferred in July 21, 2020 to the Regional News Unit (RNU), Port Blair (Andaman and Nicobar) along with a relieving order issued on the next date. The petitioner immediately approached the CAT, Guwahati Bench, against such transfer on the ground that the transfer was not for administrative reasons but as a knee-jerk reaction to the complaints received against him.

That apart, the transfer order was also questioned on the ground of the Management being insensitive to the commendable works rendered by him even during the pandemic period.

The Tribunal, in its wisdom, passed an order dated 31.07.2020 directing the petitioner to submit a copy of the O.A. to the respondent No. 1/Director General, All India Radio, with a direction to the respondent No. 1 to look into the grievance of the petitioner and pass a reasoned order within a specific time frame and, till such time, the transfer order was stayed.

A speaking order was, thereafter, passed by the respondent No. 1 on 20.09.2020, wherein references were made to the various complaints regarding poor performance of the petitioner and his misbehaviour with fellow employees and even with his seniors; however, the transfer, which was for administrative convenience and in the best interest of the organization, was upheld. Thus, treating the Original Application as a

representation of the petitioner, the same was rejected.

This speaking order rejecting the request of the petitioner to reconsider his transfer to Port Blair, was questioned by him before the Tribunal again, where an interim order was passed keeping the transfer order in abeyance. However, finally the Original Applications and all Misc. Applications filed by the petitioner were disposed off by the Tribunal on 17.02.2026 refusing to interfere with the transfer order, holding that the reasons for transferring the petitioner were administrative and for the better running of the organization.

The grounds on which the transfer order was questioned by the petitioner before the Tribunal on this occasion were, namely, there was no evidence of any functional requirement behind his transfer [as an exclusive Assamese News Reader, as there was no Assamese News Unit at that Station (Port Blair)]; and that the transfer order was passed with *mala fides* because of his having exposed many illegal and corrupt practices committed by the Deputy Director, RNU, Delhi, and the News Editor, RNU, Guwahati.

While considering the petitioner's plea with regard to the functional requirement of his transfer, the Tribunal relied on the judgment of the Supreme Court in ***Union of India vs. S.L. Abbas, (1993) 4 SCC 357***, wherein the Supreme Court observed that the choice to transfer an employee is with the appropriate authority, and unless the order of transfer is vitiated with *mala fides* or made in violation of any statutory provision, it is not open for the Courts or Tribunals to interfere with the same. No statutory proscription was indicated by the petitioner circumscribing the powers of the respondent No. 1 and other appropriate authorities to transfer the

petitioner after several years of his stay at one particular place of posting.

With respect to the plea of *mala fides*, the Tribunal was of the view that the petitioner could not establish any *mala fides* in law with concrete evidence but only had raised allegations without any supporting evidence, and that the burden of proof for *mala fides* is normally very high and the petitioner had miserably failed to prove that.

The Tribunal also rejected the claim of the petitioner, and rightly so, that for the commendable service rendered by him even during the pandemic period, his transfer was not good in the eyes in law.

Mr. Patowary has, however, submitted that there can be no dispute with respect to the position of law that an order of transfer is an administrative order and it is ordinarily to be taken as incidence of service, which is not interfered with lightly. However, in cases where *mala fides* on the part of the authorities is proved, such transfer order can be interfered with.

He has further submitted that in the speaking order of the respondent No. 1 rejecting the petitioner's request for reconsidering his transfer to Port Blair, several instances of complaint against the petitioner were referred to. This, therefore, forms the motive for transferring the petitioner, which indubitably can be said to be a punishment order, and a transfer by way of punishment is generally not validated.

In order to buttress his contention, Mr. Patowary has referred to the judgment of the Supreme Court in **Somesh Tiwari vs. Union of India and Others, (2009) 2 SCC 592.**

In the administrative order rejecting the request of the petitioner to reconsider his transfer, there may have been incorporation of some

factual background, but the transfer of the petitioner is to be seen in the context of administrative exigency, when there is no restriction on such transfer and, more so, when such transfer was effected after twenty years of the petitioner having served at one particular station.

It is not for this Court or the Tribunal to assess the functionality of the transfer order, or to provide the authorities with a choice which would satisfy the transferee. The fact that the petitioner has remained at Guwahati for long number of years before his transfer has weighed with us in not accepting the pleas of the petitioner.

For the afore-noted reasons, we find no merit in this petition and, thus, we have no option but to reject this petition.

Dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant