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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No.2173/2001

New Delhi: this the 12th day of October 2001.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

1. S/Shri Surinder Kumar
2. Babu Ram
3. Pritam Singh
4. J.L.Dhingra
5. Balwant Singh
6. Madan Mohan
7. D.K.Singh
8. R.K.Rastogi
9. K.K.Gautam
10. P.K.Singh
11. H.S.Chadha
12. Abhilash Singh
13. B.P.Dixit
14. J.P.Sharma

All are SDEs, Joint Action Committee of MTNL
Officers, 470, Kidwai Bhawan, Janpath,
New Delhi. Applicants
(By Advocate: Shri R.Venkatramani, Sri Counsel)

Versus

Union of India
through

the Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan,
Ashoka Road,
New Delhi

.... Respondents.

(By Advocate: Shri P.H.Ramchandani, with Sh.V.K.Rao
Sh.A.K.Bhardwaj)

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S.R. Adige, VC(A):

This OA was heard along with OA No. 1252/2000. However as that OA concerns ITS Group 'A' Officers, while the present OA has been filed by ITS Group 'B' Officers, orders in this OA are being passed separately.

2. Applicants impugn respondents' order dated 23.7.2001 (Annexure A-1) transferring them from MTNL to BSNL.

3. Their case is that in terms of Respondents' Circular dated 8.5.2000 they are willing to be permanently absorbed in MTNL, but for OA No. 1252/2000 which has been filed by a Group of small number of persons and has adversely affected the rights of applicants, as a result of which they have yet not ^{and mean} been absorbed. While respondents have issued impugned order dated 23.7.2001 transferring them to BSNL ^{allegedly} which is arbitrary and malafide.

4. We find that applicants have rushed to the Tribunal without even filing a representation to the appropriate authorities in regard to their grievance, which they should have done in the first instance, in the light of the Hon'ble Supreme Court's ruling in GSEB Vs. ARS Poshani AIR 1989 SC 1433.

5. Under the circumstances this OA is disposed of holding that if applicants are aggrieved by the impugned transfer order, they should in the first instance file a representation to respondents within 3 weeks from today, which respondents should dispose of by a reasoned order under intimation to applicants within

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six weeks of its receipt. While doing so respondents should apply their mind as to whether it is necessary in public interest to transfer applicants to BSNL when they are keen for permanent absorption in MTNL.

6. The OA is disposed of in terms of para 5 above.
No costs.

A. Vedavalli
(DR. A. VE DAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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