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(2) CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 2376/2001
New Delhi, this the 07th day of January 2002
Hon'ble Shri Govindan S Tampli, Member (A)

Mr. Premveer Singh S/o Shri Rajpal Singh
Qr No. 16, Type III
Telephone Exchange Colony,
Sector 39, Noida,
District Gautam Budh Nagar (UP)

.....Applicant
(by Advocate: Sh. Ashok Kumar Sharma)

VERSUS

1. Union of India,
through its Secy.
Min. of Comm.
Sanchar Bhawan, New Delhi
2. Bharat Sanchar Nigal Ltd,
Through its
Chief General Manager, Telecom.
At the office of West UP Telecom Circle,
Dehradun (UP)
3. General Manager Telecom,
Telecom District Gautam Budh Nagar,
Noida.

.....Respondents
(By Advocate K.R. Sachdeva)

O R D E R (ORAL)

The applicant is working in the post of Sr. TAO(P) with the respondent. He had submitted application for transfer to Bulandshahar on 28.9.2000 followed by reminders on 5.3.2001 and 09.4.2001. On 9.4.2001 he was transferred to TDM, ^{Bulandshahar} with immediate effect and orders were issued relieving him on 24.8.2001. The applicant however, met the General Manager, Telecommunication, Noida and represented his case for not relieving him in the mid academic session. He has come to this Tribunal and obtained a Stay on the implementation of the order dated 07.09.2001. He states that still he is interested in ^{Bulandshahar} getting his transfer to on his own request but the same time keeping in mind his domestic needs.

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specifically the education of his children, he would like the transfer to deferred till the beginning of the next academic session. Contesting the above strongly Shri K R Sachdeva, learned counsel for the respondents states that it was in view of the ^{speaker} application filed by the applicant for transfer on 28.9.2000 and the reminders on 5.3.2001 and 09.4.2001 he was transferred on 24.8.2001 and relieved on 5.9.2001. This transfer has not been made on public interest but on the specific request of the applicant and once it is done he cannot go back on it. Whatever ^{be} the guidelines which shall govern the transfers in public interest, ^{by are} not applicable ^{to} _{to applicants} the case of transfers made at _L own request.

3. I have carefully considered the matter. It is on record that the respondents have transferred the applicant on 24.8.2001 and relieved him on 5.9.2001, only keeping in mind his request made on 28.9.2001 followed by reminders on 5.3.2001 and 9.4.2001. The place of posting also has been to Bulandshahar, the place of his specific choice. But once the orders have been issued, he is seeking a modification on the ground that this was mid-academic session. He has also obtained the stay of the implementation of the order. It is a case where the applicant is seeking to have the cake and eat it too. The approach to the Tribunal has been used as a tool for the same. This was clearly avoidable. However, keeping in mind the fact that education of the children of the applicant is involved, ^{which} should be a prime concern in such matters, I feel that the interest of justice would be made by permitting the transfer to be kept in abeyance till 31.3.2002. The applicant, however, has to pay a cost for initiating this avoidable litigation and dragging the Tribunal to it. T-3/-2

4. In the above circumstances I allow the OA and direct that the transfer order dated 24.8.2001 and the relief order dated 24.8.2001 be kept in abeyance till 31.3.2002, when the academic session comes to a close. The respondents shall relieve the applicant on 01.4.2002. The applicant also shall pay cost of Rs.500/- which should be remitted to the CAT, BAR Association, Principal Bench, New Delhi for the purpose of its Library.


Govindan S. Tampi
Member (A)

Patwal/

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