

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1883/  
T.A. No.

198 9

DATE OF DECISION 22.9.89

Shri Ajit Kumar Patra Applicant (s)

Shri A. Bhattacharjee, Advocate for the Applicant (s)

Versus  
Union of India & Ors Respondent (s)

None Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Member (A)

The Hon'ble Mr. T.S. Oberoi, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ? *No*

JUDGEMENT

This application has come before us for admission today. Shri A. Bhattacharya, learned counsel for the applicant has been heard.

2. In this application, the applicant challenges the order of transfer dated 15.3.89 by which he has been transferred from Jalpaiguri to Damohani. Normally this application should have been filed before the Calcutta Bench. However, by order dated 19.9.1989, the Hon'ble Chairman has directed that this application be entertained in the Principal Bench and that is how this has come before us.

3. Shri Bhattacharjee, challenges the transfer order on a number of grounds like, illness of the applicant's wife; there being others who had remained in the same station much longer than the applicant, the option exercised by the applicant having been disregarded and the guidelines to the effect that lineman should not be transferred beyond a distance of 20 K.M., not having been followed. The applicant has made a representation

*P. S. Oberoi*

contd...

against his transfer on 27.3.89 to the Telecom District Engineer, Jalpaiguri. He has received no reply to this representation. Transfer no doubt is an incident of Government service. It is for the administrative authorities to consider the hardships of their employees when making transfers. When in a case like this a detailed representation has been submitted, the authorities should look into the matter as they are best suited to do so and to pass suitable orders thereon. Such representations should not be ignored.

3. We, therefore, direct the Telecom District Engineer, Jalpaiguri, Respondent No. 3 to this application, to consider the applicant's representation dated 27.3.89 and if necessary obtain further information from him in this regard and in the light thereof, to pass suitable orders. Till then the order transferring the applicant should not be given effect to. If the applicant is in occupation of official quarter, he should not be asked to vacate it till his representation as aforesaid is disposed of.

5. The application is disposed of on the above terms at the stage of admission itself.

Dec 22.9.89  
( T.S. Oberoi )

MEMBER (J)

P. S. 42/9/89  
( P. Srinivasan )  
MEMBER (A)