

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH.

Original Application No.149/2020

Ahmedabad, this the 25th day of June, 2020

CORAM:

Hon'ble Sh. Jayesh V. Bhairavia, Judicial Member

Hon'ble Dr. A.K. Dubey, Administrative Member

Hasmukhbhai Maganbhai Zaveri S/o Shri Maganbhai Zaveri, aged about 54 years, residing at 8-B, Gangavihar Society, Shiv Shakti BRTS, Chandkhda, Ahmedabad-382424, working as Junior Engineer under Junior Telecom Officer (P), Subhas Bridge, Telecom Exchange, Keshavnagar, Sabarmati, Ahmedabad-380027.

.....Applicant

[By Advocate : Mr. A.L. Sharma]

Versus

1-Chairman, Bharat Sanchar Nigam Limited, Bharat Sanchar Bhavan, Janpath, New Delhi – 110 001.

2-The Chief General Manager, Bharat Sanchar Nigam Limited, Gujarat Telecom Circle, Telephone Bhavan, 7th Floor, C.G. Road, Ahmedabad – 380 009.

3-Principal General Manager, Office of the Principal General Manager, Ahmedabad Telecom District, 2nd Floor, Gulbai Tekra Telecom Bhavan, Near L.D. Engineering College, Ahmedabad – 380 015.

4-Junior Telecom Officer (P), ATO, Subhas Bridge, Telecom Exchange, Keshavnagar, Sabarmati, Ahmedabad-380027.

...Respondents

[By Advocate : Mr. M.J. Patel]

O R D E R (Oral)

1. In the instant O.A. aggrieved by the impugned transfer order dated 12.6.2020, applicant has filed the present O.A. and prayed to quash and set aside the impugned order as also prayed for grant of interim relief to restrain the respondents from implementing the transfer order dated 12.6.2020 (Annex.A/1).

2. Learned counsel for the applicant submitted that the applicant is working as Junior Engineer [(JTO(P)], Sabarmati, Ahmedabad. It is submitted that vide impugned order dated 12.6.2020 (Annex.A/1), the applicant has been ordered to be transferred from his working Unit JTO (P), Sabarmati to J.E., Barwala under the JTO, Dhandhuka. It is stated in the said order that following local arrangement in the cadre of J.E., has been issued in the interest of service on approval of competent authority. It is the grievance of the applicant that said impugned order has been passed by the respondents according to the provisions of the BSNL Employees Transfer Policy dated 7.5.2008 as amended till date vide Annex. A/2. It is submitted that by stating local arrangement, the respondents in fact transferred the applicant from Sabarmati, Ahmedabad (Urban) to 140 Kms. away at Barwala (Rural). In this regard, it is further contended that the impugned order is in fact

amount to transfer and same is contrary to the provisions of amended transfer policy dated 22.1.2016 (Annex.A/3).

It is further contended that applicant presently working with the office of Respondent No. 4 and the said office vide letter dated 12.6.2020 (Annex.A/4) also requested the AGM (Admin) in office of PGMTD Ahmedabad, vide letter dated 12.6.2020 (Annex.A/4) to review transfer order of the applicant since applicant has been allotted work of maintenance of Bharat Fibre Connections under the DE, Sabarmati and service of applicant is required at DE, SAB Area. It is also submitted that the applicant is a member of SEWA (A Recognised Association in BSNL Ahmedabad Telecom District), the said Association has also submitted a representation before the respondent No. 3 and requested to reconsider his transfer vide representation dated 19.6.2020 (Annex.5).

It is further contended that applicant's mother is aged 80 years residing with him and there is no male member in the family who can take her care.

It is submitted that till date applicant has not been relieved from Sabarmati, Ahmedabad.

Lastly, learned counsel for the applicant submits that he may be allowed to file additional representation before the respondent No. 3 for redressal of his grievance and he will be satisfied if appropriate direction be issued to the respondents to consider his representation expeditiously.

3. On the other hand, on behalf of respondents Standing Counsel Mr. M. J. Patel appears on receipt of advance copy of this O.A. and after going through the memo of OA and the policy on transfer, he fairly submitted that if the applicant will file a representation, the same will be considered by the respondents in accordance with the transfer policy as also administrative exigencies.

4. Heard the learned counsel for the parties and perused the material on record.

5. Considering the submissions of the counsel for the parties, we dispose of this O.A. by accepting the request of applicant to allow him to file an additional representation before respondent No. 3, for review of the impugned decision dated 12.6.2020 (Annex.A/1).

The applicant shall file his representation within a week time from today and the respondent No. 3 will consider it within ten days after receipt of the same and the respondents will communicate their decision to the applicant expeditiously. In the meantime, let the status quo as on date, be maintained. We made it clear that we have not expressed any opinion on merit of the impugned decision.

6. The O.A. is accordingly disposed of.

(Dr.A.K.Dubey)
Member (A)

(Jayesh V.Bhairavia)
Member (J)

