

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00259/2020

Tuesday this the 28th day of July 2020

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

Priya Varma, Aged 49, W/o.R.Sreedevan
Working as SDE (Sub Divisional Engineer)
(HR No.199509025) BSNL (computer cell)
Telephone Exchange, Park Avenue
Ernakulam, Pin Code – 682 011
Ph.9447351600

...Applicant

(By Advocate Mr.K.C.Eldho)

v e r s u s

1. BSNL represented by the CMD
BSNL Corporate Office
4th Floor, Bharat Sanchar Bhavan
Ganpath, New Delhi – 110 001
2. The Chief General Manager
Office of the Chief General Manager Telecom
HR- III Section, 2nd Floor, Doorsanchar Bhavan
PMG Junction, Thiruvananthapuram – 695 033
3. The Principal General Manager Telecom
Office of the PGMT, BSNL Bhavan
Kalathiparambil Road, Valanjambalam
Cochin – 682 016

4. The Union of India
 Represented by the Secretary (Personnel)
 Department of Personnel and Training
 Ministry of Personnel Public Grievances and Pensions
 North Block, New Delhi – 110 001Respondents

(By Advocate : Mr.N.Anilkumar,SCGSC for R4 and Mrs.Girija K.Gopal for R 1 to 3)

This application having been heard through video conference on 28th July 2020, this Tribunal on the same day delivered the following :

ORDER (O R A L)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant is hearing impaired and has been assessed with 80% disability by the Medical Board. She is presently working under 1st respondent as Sub Divisional Engineer. The applicant is included as serial no.5 in Annexure A-3 list issued by the 2nd respondent showing the name of the candidates to be transferred. Learned counsel for the applicant submits that the applicant is entitled to the benefit of the RPWD Act, 2016. The rights of the applicant under the RPWD Act, 2016 is approved by this Tribunal in Annexure A-2 judgment. Hence, she approached this Tribunal praying for the following reliefs:

"(i) Call for the records leading to Annexure A3 and quash that part of Annexure A3 to the extent which it included the name of the applicant for transfer.

(ii) Direct the 2nd respondent to take a decision on Annexure A5 representation within a time limit to be stipulated by this Tribunal.

(iii) Any other further relief or order as this Tribunal may deem fit and proper to meet the ends of justice.

(iv) Grant the costs of this Original Application."

2. When the matter came up for consideration, learned counsel for the respondents submits that the applicant's representation at Annexure A-5 is pending and the Department has not taken any view on the question of transfer so far. Annexure A3 is only a list of persons having long stay and it does not mean that applicant is going to be transferred. Hence the applicant has no cause of action as of now. The learned counsel for the applicant submits that the respondents have not taken any action on his Annexure A-5 representation and the applicant apprehends that she may be transferred.

3. Applicant has already submitted Annexure A-5 representation and relies on Annexure A-4 Office Memorandum of DoP&T dated 31.3.2014 guidelines in support of her claim. **In view of the above, the Competent Authority is directed to consider Annexures A-5 representation in the light of Annexure A-4 O.M of the DoP&T and Annexure A-2 judgment of this Tribunal in O.A No.180/439/2016 (*Priya Varma v. BSNL & 4 Others*) and relevant rules and guidelines on the matter and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.**

4. The O.A is disposed of as above at the admission stage itself. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 – A true copy of the Unique Disability Identity Card No.KL0820419700011352 issued by Government of India dated 5.12.2019.

Annexure A2 - A true copy of the judgment dated 8.8.2016 in O.A No.439 of 2016 of this Tribunal

Annexure A3 - HR-E/25-1/2020/21/2 dated 22.5.2020 issued by the 2nd respondent

Annexure A4 - A true copy of the Office Memorandum No.36035/3/2013-Estt.(Res) dated 31.3.2014 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India

Annexure A5 - A true copy of the representation dated 25.5.2020 submitted by the petitioner before the 2nd respondent.

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