

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Original Application No.180/00257/2020

Wednesday this the 24th day of June 2020

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

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

Tenson Joseph, S/o.C.U.Joseph, Aged 52 years,

SDE, BSNL, Perumbavoor, HR : 199402127

(under orders of transfer as SDE, Amini, Lakshadweep).

Now residing at C2-Telecom Quarters, Telephone Exchange,

Koothattukulam, Ernakulam – 686 662.

Residing permanently at Chirackal (H),

Nediyasala P.O., Thodupuzha – 685 608.

...Applicant

(By Advocate Mr.M.R.Hariraj)

v e r s u s

1. Bharat Sanchar Nigam Limited,
represented by its Chairman and Managing Director,
BSNL, New Delhi - 110 001.

2. Chief General Manager Telecommunication,
Kerala Circle, BSNL, Thiruvananthapuram – 695 033.

3. Principal General Manager Telecom,
BSNL, Kochi - 682 016.

4. Divisional Engineer,
BSNL, Angamaly – 683 572.

...Respondents

(By Advocate Mr.T.C.Krishna)

This application having been heard on 24th June 2020, this Tribunal on the same day delivered the following :

ORDER (O R A L)**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

Applicant is working as a Sub Divisional Engineer in BSNL Perumbavoor with effect from January 2020. The applicant was transferred to Lakshadweep vide Annexure A-1 order. He is aggrieved by the insistence of the respondents to relieve him and compel him to join at Amini, Lakshadweep on transfer. This is an OA filed seeking the following reliefs:

“i. To quash Annexure A5 and direct the respondents not to compel the applicant to join at Amini, Lakshadweep by travelling to Lakshadweep

ii. grant such other reliefs as may be prayed for and the court may deem fit to grant, and

iii. To grant costs of this Original Application.”

2. When the matter came up for consideration, learned counsel for the respondents opposed the granting of interim relief, stating that the applicant was transferred due to urgent requirements in various islands in Lakshadweep and it will not be proper to stay the operation of the impugned order. But the counsel for the applicant would submit that owing to the pandemic, he has to continue in quarantine for 7 days in Kochi and thereafter for 14 days in the Lakshadeep and he will not be in a position to join there immediately even if he travels. Another aspect is that there is no availability of ships at this point of time for travel to Lakshadweep. We have gone through the pleadings and we find that one representation of applicant is pending without any order as Annexure A4.

3. In view of the circumstances prevailing and the circumstances of pandemic and quarantine requirements, we direct the respondent No.2 to consider the grievances raised by the applicant in Annexure A4 representation and pass a reasoned and speaking order within a period of 10 days from the date of receipt of this order. The applicant will be permitted to avail his eligible leave till the disposal of the same and he shall not be compelled to join at the new place before passing of the reasoned and speaking order.

4. OA is disposed of without going into the merits of the case as above.

No costs.

K.V.EAPEN
ADMINISTRATIVE MEMBER

P.MADHAVAN
JUDICIAL MEMBER

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List of Annexures

- Annexure A1 - A true copy of order No.HR-E/3-19/2020-21/19 dated 25.5.2020 of the 2nd respondent
- Annexure A2 - A true copy of letter No.ST/EK-203/7/2018-21/34 dated 8/6/2020, issued by the 3rd respondent
- Annexure A3 - A true copy of order No.F.No.E 21/7/2020-CoL(Part II) dated 10/6/2020 of Collector and Chariman of Disaster Management Authority, Union Territory of Lakshadweep, Kavaratti
- Annexure A4 - A true copy of representation dated 14/6/2020 before the 3rd respondent
- Annexure A5 - A true copy of the order No.DE/AGK/Staff/2020-21/08 dated 22.6.2020, issued by the 4th respondent
- Annexure A6 - A true copy of news published by the Malayala Manorama dated 21.6.2020 along with the English translation.

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