

Through Video Conferencing**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR****Original Application No.200/43/2021**

Jabalpur, this Friday, the 15th day of January, 2021

**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**

Dr. Mahesh Shukla, S/o Shri Krishna Kumar Shukla, aged about 58 years, Chief General Manager, M.P. Telecom Circle, Bhopal; R/o BSNL Bhawan, P&T Officers Enclave, Char Imla, Bhopal (M.P.) - 462001
-Applicant

(By Advocate – Shri Manoj Sharma)

V e r s u s

1. Union of India through its Secretary, Ministry of Communication, Department of Telecommunication, Sanchar Bhawan, Ashoka Road, New Delhi – 110001.
2. Chairman and Managing Director, Bharat Sanchar Nigam Ltd., Sanchar Bhawan, Ashoka Road, New Delhi – 110001.
3. Member (Services), Ministry of Communication, Department of Telecommunication, Sanchar Bhawan, Ashoka Road, New Delhi – 110001.
4. Member (Technology), Ministry of Communication, Department of Telecommunication, Sanchar Bhawan, Ashoka Road, New Delhi – 110001.

-Respondents

(By Advocate – Shri D.S. Baghel)

O R D E R

By Ramesh Singh Thakur, JM.

The applicant is aggrieved by order at Annexure A-1 and A-2 dated 12.01.2021 so far it relates to transfer and posting of the applicant.



2. The case of the applicant that by way of impugned orders the applicant has been transferred from Madhya Pradesh Circle to Haryana LSA. The order of transfer has been challenged on the ground that the same is in violation of the guidelines of DoP&T as the wife of the applicant is working in Madhya Pradesh Police Service and she cannot be transferred out from Madhya Pradesh. As per the guidelines of DoP&T (Annexure A-6), when one spouse is employed under the Central Government and other is under the State Government, then spouse under the Central Government may apply to the competent authority and the competent authority is to consider the same regarding posting of husband and wife at the same station. The applicant, vide representation dated 12.01.2021 (Annexure A-8), has stated that his wife is serving in the Madhya Pradesh Police Service and he has only two years service left in his retirement. However, the same has not been considered and decided by the respondents till date.

3. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to consider and decide his representation dated 12.01.2021 (Annexure A-8) in the light of the guidelines issued by the DoP&T (Annexure A-6) and till then the applicant may be permitted to perform his duties as CGM at Madhya Pradesh Telecom Circle.

4. We have considered the matter and we are of the view that ends of justice will be met if the respondents are directed to decide applicant's representation

dated 12.01.2021 (Annexure A-8) taking into consideration the guidelines issued by the DoP&T. Accordingly, the competent authority of the respondent department is directed to consider and decide representation dated 12.01.2021 (Annexure A-8), in the light of Annexure A-6 guidelines issued by the DoP&T in Para 4(vii) of Office Memorandum dated 30.09.2009, within a period of four weeks from the date of receipt of a copy of this order by passing a reasoned and speaking order. Till such time the representation is decided, the respondents are directed not to give effect the transfer order Annexure A-1 & A-2 so far as it relates to the applicant. For his purpose, the applicant is directed to make available copy of this order along with Original Application to the competent authority of the respondents.

5. With these observations, this Original Application is disposed of at the admission stage itself. No costs.

(Naini Jayaseelan)
Administrative Member

am/-

(Ramesh Singh Thakur)
Judicial Member

