

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 31st day of October, 2001.

Original Application no. 822 of 1998.

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

P.N. Semar (SC)

Son of Sri R.C.L. Semar,

R/o 38, Pratappur, Agra Cantt.

(Sri RC Pathak/Sri A Rajendra, Advocates)

..... Applicants

Versus

1. Union of India through the
Secretary, Department of Telecommunication,
Sanchar Bhawan, New Delhi.
2. The Director General (Telecom),
Directorate of Telecom, Govt. of India,
Sanchar Bhawan, New Delhi.
3. Chief General Manager,
Department of Telecom,
U.P. Circle (West), Dehradun.
4. The Assistant General Manager (Administration),
Office of General Manager, Telecom, Agra.
5. The Chief Superintendent, Central Telegraph
Office, Agra.
6. The Incharge, District Telegraph Office,
Belanganj, Agra.
7. The General Manager,
Department of Telecommunication,
District Meerut.
8. The Chief Superintendent,
Central Telegraph Office,
District-Ghaziabad.
9. The Incharge, District Telegraph Office,
Shahibabad, District-Ghaziabad.

(Sri Ashok Mohiley, Advocate) Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Rafiuddin, J.M.

The applicant Sri P.N. Semar, who is holding the post of Telegraphist in the Department of Telecommunication, Agra, has filed this OA for issuing suitable direction to the respondents to repatriate the applicant to his parent Division Agra from Meerut Division as per policy dated 25-10-1994 and to quash the order dated 31-7-1998 (Annexure-1).

2. The admitted facts of the case are that the applicant was posted at Central Telegraph Office, Aligarh in 1986. Since in the year, 1989, the staff became surplus and all surplus staff transferred to other Telegraph Deptt. of U.P. and the applicant was sent to Meerut Division in 1989 in terms of para 37 of P&T Manual because there was no vacancy at the relevant time at Telegraph Office, Agra. The applicant submitted a representation in terms of para 38 of the P&T Manual, Vol IV which provides for transfer/repatriation of employee from one Division to other in which the applicant sought his transfer/repatriation from Ghaziabad to Agra Telegraphic Traffic Division.

3. I have heard counsel for the parties and perused the records.

4. It has been stated by the Learned Counsel for the applicant that the relief seeking quashing of the order dated 31-7-1993 (Annexure-1) has become infructuous since the term of the applicant has been extended.

5. It has been pointed out by the Learned Counsel for the respondents on the basis of pleadings that due to no vacancy in Secondary Switching Area, Agra i.e. Traffic Arm, the applicant could not be accommodated in Agra Area. It is, however, stated that as and when vacancy occurs the case of the applicant will be considered for his repatriation.

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It is also an admitted case that taking lenient view the Dy. General Manager vide its order dated 17-8-1998 allowed the applicant to continue for six months at Agra.

6. Learned counsel for the applicant has drawn my attention to endorsements made by the Dy. Section Divisional Engineer(Administration) Central Telegraph Office, Agra dated 10-3-1998 on the representation of the applicant dated 9-3-1998 to the effect that the applicant can be accommodated in that unit under para 38 of P&T Manual and also DO letter sent by Sri SC Verma , A.G.M.(Admin), Telcom District Agra to Sri Deepak Singha, Telecom District Manager, Mathura in which it is stated that due to mass retirement and ban on recruitment in CTO Agra, the shortage of Telegraphist has become acute and the work of Telegraph Wing is badly effected.

7. Considering the facts and circumstances of the case, the OA is disposed of with the direction to the respondents to consider the case of the applicant for his permanent repatriation from Ghaziabad to Agra ~~xxxxxxxx~~^R considering the present vacancy position in the Agra Division. No costs.

D. Singh
Member (J)

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