

(2) (1)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 06th day of APRIL 2005.

Original Application No. 379 of 2005.

Hon'ble Mr. D.R. Tiwari, Member (A)

M.A. Khan, S/o Sri M.H. Khan,
R/o Type 5 Quarter CTO Compound Bareilly Cantt.
Presently working as Dy. General Manager BSNL,
CTO Compound Bareilly Camp (UP).

...Applicant

By Adv : Sri R.C. Pathak

V E R S U S

1. Union of India, through the Secretary,
Ministry of Communication and Information
Technology, Govt. of India, Sanchar Bhawan,
Patel Chowk,
NEW DELHI.
2. The Chief Managing Director (CMD) BSNL,
102/B Statemen House, 148 Barakhamba Road,
NEW DELHI.
3. The Director (HRD) O/O CMD (BSNL) 102/B Statemen
House, 148 Barakhamba Road,
NEW DELHI.
4. The Dy. Director General (BSNL)
O/O CMD (BSNL) 102/B Statemen House,
148 Barakhamba Road,
NEW DELHI.
5. The Joint Dy. Director (PERS,
O/O CMD (BSNL) 102/B Statemen House,
148 Barakhamba Road,
NEW DELHI.
6. The Chief General Manager (BSNL),
O/O CGM UP West Telecom Circle,
Shastari Nagar Telephone Exchange,
MEERUT (UP).
7. The General Manager Telecom,
District Bareilly UP, O/O GMTD,
CTO Compound,
BAREILLY CANTT UP.

...Respondents

By Adv : Sri S. Singh & Sri D.S. Shukla

D.S. Shukla

ORDER

By D.R.Tiwari, AM

The applicant is working at present as Dy. General Manager (ad hoc) at Bareilly in Bharat Sanchar Nigam Limited (BSNL). He has been transferred from Bareilly to Jabalpur vide order dated 17.03.2005 (Ann A1).

2. Learned counsel for the applicant, Sri R.C. Pathak submitted that the applicant during the course of his service career of 14 years has been suffered paid of frequent transfer which is 13 in number. Against the above transfer order the applicant submitted representation dated 19.03.2005 to the Competent Authority (Ann A22).

3. I am conscious of the legal position that transfer is an incident of service and Court or Tribunal need not interfere except on the ground of malafides or for violation of some statutory rules. However, from the perusal of the pleadings and submission made by the learned counsel for the applicant it appears that the transfer has been ordered in his case not on administrative grounds. The Hon'ble Supreme Court has also said that frequent transfers ^{lead} ~~leave~~ to hardship and in some cases it effects education of the children and ^{uproot the} ~~approved~~ family. Be that as it may I am of the considered view that ends of justice could be met if the respondents are directed to consider the representation of the applicant and decide the same

N. S. Rao




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by a reasoned and speaking order within a stipulated time.

4. Under the circumstances the OA is disposed of with direction to respondent No. 3 to consider and decide the representation of the applicant dated 19.3.2005 by a reasoned and speaking order to be passed and communicated to the applicant within a period of one month from the date of communication of this order. In the meantime it is also provided that the operation of the transfer order dated 17.3.2005 may be kept in abeyance till the disposal of the representation of the applicant by the Competent Authority.

5. There shall be no order as to costs.


Member (A)

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