

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 20th day of July, 2021

Original Application No. 330/00451/2021

(U/S 19, Administrative Tribunal Act, 1985)

Present:

Hon'ble Mrs. Justice Vijay Lakshmi, Member- (Judicial)

Hon'ble Mr. Devendra Chaudhry, Member-(Administrative)

Arvind Prakash Yadav aged about 45 years S/o Sri Om Prakash Yadav Presently posted as Sub-Divisional Engineer (E) BSNL Electrical Sub Division, Deoria U.P., Resident of House No. 3772 Raja ji puram, Near Mini Stadium Lucknow, Uttar Pradesh-225017.

.....Applicant

By Advocate: Shri A.K. Singh.

Versus

1. Union of India through the Chief Engineer (E), Bharat Sanchar Nigam Limited, Electrical Zone U.P. (E), Lucknow.
2. The Superintending Engineer (E) BSNL Electric Circle Lucknow.
3. The Executive Engineer (E) BSNL Electrical Division T.E. Building Rapti Nagar Gorakhpur-273003.

-----Respondents

By Advocate: Shri D.S. Shukla.

ORDER

Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member-J :

We have joined this Division Bench online through video conferencing.

2. Shri A.K. Singh, Id. counsel for the applicant and Shri D.S. Shukla, Id. counsel for the respondents, both are present in Court.

3. Heard Id. counsel for the parties and perused the record.

4. Ld. counsel for the applicant submitted that the applicant is posted at Deoria since the year 2016. The applicant's wife is working in Basic Education Department U.P. and is currently posted at District Barabanki and resides in Lucknow. They have 2 ½ years old twin daughters, whom the applicant's wife is taking care of single handedly. One of the applicant's daughter is unable to speak. The Doctors have diagnosed that she is suffering from 'Autism Spectrum Disorder' and she needs occupational speech therapy.

5. Ld. counsel for the applicant submitted that as the applicant is facing family problems, he requested the respondents by means of several representations to post him either in Lucknow or some other station near to Lucknow, so that he may look after his wife and children, but no attention was paid by the respondents.

6. Reliance has been placed on various office memorandums and the transfer policy regarding posting of spouse at the same station and regarding posting of the caregiver of a disabled child at some suitable place.

7. Ld. counsel for the applicant has further submitted that despite the fact that his representation was forwarded by the Executive Engineer (E) BSNL, Gorakhpur to the Superintending Engineer, BSNL, Electrical Circle, Lucknow vide letter dated

17.02.2021, no order has been passed till date on his representation.

8. In backdrop of the above mentioned facts, Id. counsel for the applicant has submitted that the applicant will be satisfied at this stage if the respondent concerned, who is the competent authority, is directed to decide his pending representation dated 10.02.2021 sympathetically considering his family problems, by passing a reasoned and speaking order,, in a time bound manner, keeping in view the transfer policy and the relevant office memorandums.

9. Id. counsel for the respondents has objected to the aforesaid prayer of applicant's counsel by submitting that the transfer policies are only guidelines and are not mandatory.

10. Having considered the rival contentions and in view of the limited prayer made by Id. counsel for the applicant, moreso, considering the fact that a representation dated 10.02.2021, is already pending consideration before the respondents, this Tribunal is of the view that no useful purpose will be served in keeping this matter pending.

11. Accordingly, the OA is disposed of finally at admission stage with direction to the competent authority amongst the respondents, to consider and decide the pending representation of the applicant, dated 10.02.2021, sympathetically, keeping in

view the family problems of the applicant in the light of transfer policies and guidelines, by a reasoned and speaking order, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.

12. The order so passed, shall be communicated to the applicant without any delay.

13. It is made clear that we have not expressed any opinion on the merits of the case.

14. No order as to costs.

15. Hon'ble Shri Devendra Chaudhry, Member (Administrative) has consented to this order during video conferencing.

(Devendra Chaudhry)
Member (Administrative)

(Justice Vijay Lakshmi)
Member (Judicial)

/Shakuntala/