

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

Dated : This the 01st day of June 2021

**Hon'ble Justice Mrs. Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Devendra Chaudhry, Member (Administrative)**

Original Application No. 330/00290/2021

Manish Tripathi, aged about 36 years, S/o Shri Santosh Kumar Tiwari, R/o 36B/1A, Bhawapur, Post – G.T.B. Nagar Colony, Kareli, Prayagraj.

. . .Applicant

By Adv : Shri Dharmendra Tiwari

V E R S U S

1. Bharat Sanchar Nigam Ltd through its Chairman and Managing Director (BSNL), Bharat Sanchar Bhawan, H.C. Mathur Lane, Janpath, New Delhi – 110001.
2. The Chief General Manager, Telecom, U.P (East) Telecom Circle, Hazaratganj, Lucknow – 226001.
3. The General Manager Telecom, G.M. Telecom Office, Nawab Yusuf Raod, Prayagraj-211001.

. . .Respondents

By Adv: Shri Anil Kant Tripathi

O R D E R

Delivered by Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)

Shri Dharmendra Tiwari, learned counsel for the applicant and Shri Anil Kant Tripathi, Advocate, who has received advance notice on behalf of respondents, both have appeared online through video conferencing.

2. Heard learned counsel for both sides on admission and perused the records available in pdf.
3. The applicant, by means of the instant OA, has challenged his transfer order. Learned counsel for the applicant submitted that the applicant is the main caregiver of his father. The father of the applicant is

suffering from neurological problem and is totally dependent on the applicant even for his daily needs. However, the applicant has been transferred by the respondents against the transfer policy which provides that caregiver of a person suffering from neurological problem should not be transferred. Moreover, it is not safe to move and join the new place of posting during pandemic of Covid-19.

4. Learned counsel for the applicant has prayed that the applicant will be satisfied at this stage, if he is permitted to make a fresh representation, ventilating his entire grievance, before the competent authority amongst the respondents, who may also be directed to decide his representation by a reasoned and speaking order in a time bound manner. Learned counsel for the applicant has also submitted that the applicant is ready to join at his new place of posting, but the respondents may be directed to consider the prayer of the applicant sympathetically in the light of DOPT OM F. No. 42011/3/2014-Estt.(Res) dated 08.10.2018 (Annexure A-7 of OA).

5. In view of limited prayer made by the learned counsel for the applicant, no useful purpose will be served in keeping this OA pending and it is disposed of finally at the admission stage, with the following directions :-

(i) The applicant shall join at new place of posting within two weeks from the date of receipt of certified copy of this order. Thereafter, he shall file his representation ventilating all his grievances and annexing copies of relevant rules as well as DOPT OM dated 08.10.2018, within a period of two weeks from the date of his joining at new place of posting, before the concerned respondent, who is the competent authority, alongwith certified copy of this order.

(ii). The concerned respondent shall decide the representation of the applicant by a reasoned and speaking order, in accordance with rules, within a period of four weeks from the date of receipt of representations alongwith certified copy of this order.

6. The order so passed, shall be communicated to the applicant by the respondents without any delay.

7. There will be no order as to costs.

8. It is made clear, that we have not expressed any view on the merits of the case.

9. Hon'ble Shri Devendra Chaudhry, Member (Administrative) has consented to this order during Video Conferencing.

(Devendra Chaudhry)
Member (Administrative)
Anand...

(Justice Vijay Lakshmi)
Member (Judicial)