

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 8th day of October, 2002.

Original Application No. 817 of 2002.

Hon'ble Maj. Gen. K.K. Srivastava, Member- A.  
Hon'ble Mrs. Meera Chhibber, Member- J.

R.S. Raizada a/a 45 years, S/o Late H.K.S. Raizada  
At present posted as Assistant Engineer (C),  
Department of Tele Communication, Bareilly.

.....Applicant

Counsel for the applicant :- Sri K.K. Mishra  
Sri U.K. Saxena

V E R S U S

1. Union of India through the Secretary,  
M/o Communication (D.O.T), Sanchar Bhawan,  
New Delhi.
2. Chief Engineer (Civil), Bharat Sanchar Nigam Limited,  
Dehradun.
3. Superintending Engineer (A&P), Bharat Sanchar Nigam  
Limited, Dehradun.
4. R.C. Saxena, Assistant Engineer (Admn.),  
Office of Chief Engineer (C), Dehradun.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar  
Sri S.K. Om.

O R D E R

(By Hon'ble Maj. Gen. K.K. Srivastava, Member- A.)

In this O.A under section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the transfer order dated 10.07.2002 passed by the Superintending Engineer (A&P), Bharat Sanchar Nigam Limited, Dehradun (respondent No. 3) posting the applicant from Bareilly to <sup>from the post of field to a post of planning</sup> Dehradun/and has prayed that the same be quashed.

2. The applicant appeared inperson on 18.07.2002 during the period of Advocates' strike and pleaded that he has not completed his normal tenure of posting <sup>in</sup> field post and the action of the respondents in posting him

prematurely is illegal and un-justified. The operation of order dated 10.07.2002 was stayed by this Tribunal on 18.07.2002.

3. The applicant is working in the respondent's establishment as Assistant Engineer and on receipt of transfer order, he approached the Tribunal. The applicant has advanced the ground while challenging the order of transfer that on the present post he is serving since 02.03.2001 and, therefore, he has not completed the normal tenure of four years which is against the guidelines issued by the Department of Telecommunications, Ministry of Communications, New Delhi dated 04.05.1998.

4. Sri Amit Sthalekar, learned counsel for the respondents, opposing the claim of the applicant, submitted that the applicant has been working at Bareilly for the last 14 years. He has filed Annexure CA-1 giving details of the applicant's posting at various places since the date of his joining in the department on 15.07.1978. The learned counsel for the respondents further submitted that the applicant has been working on the field post since 11.05.1988 and, therefore, he has no right to claim to continue on the field post having completed not only the field post tenure but also station tenure.

5. Sri S.K. Om, the learned counsel for the respondent No 4 submitted that the respondent No.4 has been posted for the first time at Bareilly, which is his home-town, in his 24 years of service. He also submitted that the applicant has challenged the transfer order on the ground that the transfer order has been issued during the mid-academic session which in the case of applicant has no relevance as the applicant has no issue.

6. Heard learned counsel for the parties, considered their submissions and perused records. We have also perused the service profile of the applicant placed as



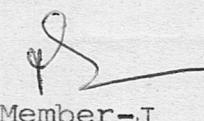
: : 3 : :

annexure CA-1 and also of respondent No.4 which has been annexed as CA-3.

7. On perusal of CA-1 and also Annexure 3 of the C.A. of respondent No.4. We find that the applicant joined as Junior Engineer on 15.07.1978. The applicant has been working continuously at Bareilly on field post since 11.5.88 with brief spell of 5 months at Rudrapur and earlier to that he worked at Bareilly from 10.7.79 to 18.10.84 as well, thus out of total of 24 years of service he has stayed all along at Bareilly with stay of Lucknow for about 4 years, 9 months in two spells and brief spells of 6 months at Haldwani and 5 months at Rudrapur. However perusal of Annexure CA-3 reveals that the respondent No.4 has never been posted at Bareilly and for the first time he has joined at Bareilly <sup>after 15.5.1980 the date he joined the Department</sup> on 11.07.2002. The impugned transfer order issued by the respondent No.3 is in accordance with rules and guidelines on the subject and does not suffer from any error of law. The law on the subject is well settled that the courts should not normally interfere in the matter of transfers unless it has been done against rules or has been issued due to bias and malafide. We do not find any such situation in this case and have therefore, no ground at all to interfere.

8. In the facts and circumstances and our aforesaid observations, the O.A. is dismissed being devoid of merits. Interim order dated 18.07.2002 is vacated. The O.A. is disposed of.

9. There will be no order as to costs.



Member-J



Member-A.

/Anand/