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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

FRIDAY, THIS THE 9th DAY OF JUNE, 2006

ORIGINAL APPLICATION No.632/2006

HON'BLE MR. K. ELANGO .. MEMBER (J)

Mohd. Salim Beg,
Aged about 37 years,
Son of Sri Abdul Hakim Beg,
Resident of Telecom Colony,
Civil Lines,
Rampur (UP).

Applicant

(By Advocate Shri R.C. Pathak)

Vs.

1. Union of India,
through the Secretary,
Ministry of Communication & Information
Technology, Government of India,
Sanchar Bhawan,
New Delhi.
 2. The Chief Managing Director (CMD),
Bharat Sanchar Nigam Limited (BSNL),
102/B, State Means House,
148, Barakhambha Road,
New Delhi.
 3. The Deputy Director General (Personnel),
Office of the CMD, BSNL,
102/B, State Means House,
148, Barakhambha Road,
New Delhi.
 4. The Chief General Manager, UP (West),
Telecom Circle, shastri Nagar,
Telephone Exchange Bhawan,
Meerut.
 5. Sri A.K. Mittal,
Deputy General Manager (Admn.),
O/o CGMT (West) Telecom Circle,
Shastri Nagar, Telephone Exchange Bhawan,
Meerut - 250 005.
 6. Rajveer Tyagi,
TDM, Etah (BSNL),
Distt: Etah.
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7. Sri C.N. Mishra (C&IT),
Addl. P.S. to MOS,
Ministry of Communication & Information Technology,
Government of India, Sanchar Bhawan,
Patel Chowk,
New Delhi.

Respondents

ORDER

By this O.A., the applicant has prayed for the following reliefs:

- (i) Issue of suitable order or direction by way of certiorari quashing the order dated 30.05.2006 (Annexurwe-A1);
- (ii) Issue suitable order or direction by way of mandamus commanding the respondent Nos. 2 to 5 to follow up the transfer/posting policy issued by the respondent Nos.1 to 3 in the case of the applicant;
- (iii) Issue suitable order or direction by way of mandamus commanding the respondent No.2 to decide the representation of the applicant dated 30.05.2006 by a reasoned and speaking order;
- (iv) Issue any other suitable order or direction as deemed fit and proper in the circumstances of the case of the applicant;
- (v) Issue suitable order or direction by way of mandamus to the respondent Nos.1 to 5 to place all the relevant records of posting/ transfer of the applicant before the Hon'ble Tribunal to verify the veracity of malafide of the applicant's case; and
- (vi) To award costs.

2. The brief facts of the case are that the applicant is at present posted as Telecom District Manager (TDM for short) in the respondents' establishment at Rampur. The counsel for the applicant contended that the applicant joined this post of TDM in March, 2003 and is still continuing on the same post. Therefore, he has not yet completed 4 years of post tenure or 8 years on the station tenure as provided in para 4 of the Transfer and Posting Policy of the department dated 25.2.2003 filed as Annexure-A2. Therefore, the action of the respondents is illegal and against the transfer policy.

3. The learned counsel further submitted that the applicant was also accorded permission for doing his Ph.D. course in Business Administration by the respondents vide their letter dated 11.8.2005

K. E. Langya

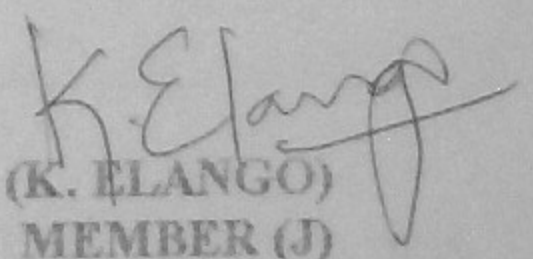
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(Annexure-A5) and the applicant was called for interview 25.5.2006 by the Govt. Raza P.G. College, Rampur, for admission to the Ph.D. decree course.

4. During the course of arguments, the learned counsel further pointed out that the applicant has sent a representation dated 30.5.2006 to The Chief General manager, U.P. West Telecom Circle, Meerut, U.P. (Annexure-A12) ventilating his grievance and the same is still lying undecided before Respondent No.4. The learned counsel has further submitted that the applicant has not been relieved from the post and is still continuing on the post.

5. After hearing the counsel for the applicant, this Tribunal is of the view that this O.A. can be decided at the admission stage itself without calling for any counter from the respondents. The ends of justice would be met if a direction is given to the competent authority to consider the representation of the applicant and decide the same by a reasoned and speaking order within a fixed period of time.

6. Under the circumstances, the O.A. is being disposed of at the admission stage itself with a direction to the Respondent No.4 to decide the representation of the applicant dated 30.5.2006 by a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order under intimation to the applicant. In the interest of justice, it is also provided that in the meantime, if the applicant has not so far been relieved of his post, then the status quo as on date shall be maintained till the disposal of the representation of the applicant by the respondent No.4. No costs.


(K. ELANGO)
MEMBER (J)