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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

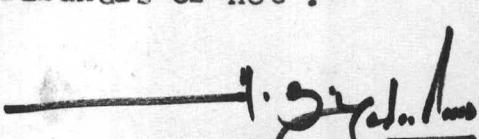
ORIGINAL APPLICATION NO: 153 OF 1994

Cuttack, this the 26th day of September, 1994.

Prahallad Mohanty and others ... Applicants
versus
Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 153 OF 1994

Cuttack this the 26th day of September, 1994

CORAM:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

...

1. Prahallad Mohanty, aged about 40 years son of late Radhashyam Mohanty, At/Po-Markandpur, Dist-Puri.
2. Narayan Jena, aged about 41 years, son of late Punanda Jena, Village-Nilakanthapur, Po-Balia, Dist-Kendrapara.
3. Gunanidhi Naik, aged about 36 years Son of late Netrananda Naik, At/Po-Golag Narasinghpur, District - Kendrapara.
4. Biswanath Mohan aged about 34 years son of late Baidhar Manthan, At/Po-Konia, Dist-Bhadrak
All are now working in Telephone Bhawan, Sector-6, Rourkela-2.

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Applicants

By the Advocates ... M/s. B.M. Patnaik, A.K. Swain,

-Versus-

1. Union of India represented through Chief General Manager, Telecommunication, Orissa Circle, Bhubaneswar-1, Dist-Khurda.
2. Telecommunication District Engineer, Rourkela, Dist-Sundargarh.

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Respondents

By the Advocate ... Mr. P.N. Mohapatra.

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O R D E R

H. RAJENDRA PRASAD, MEMBER (ADMN.) Shri Prahallhad Mohanty, Telephone Supervisor, and Sarvashri Narayana Jena, Gunanidhi Naik and Biswanath Manthan, Telephone Operators, Rourkela, were served with a Memo of allegations on 27th April, 1993, and their explanation were called for. On 8. 5. 1993, the applicants submitted explanations denying the allegations. No further action has yet been taken in the matter. On 19. 2. 1994, the Telecom District Engineer, Rourkela, recommended to the Chief General Manager, Telecommunications, that the applicants be transferred out of Rourkela Engineering Division under the provisions of Rule-37 P&T Manual Vol. IV.

2. The officials have prayed in this application for a direction to the Chief General Manager, Telecommunications, not to (i) accept the recommendation of the T. D. E, Rourkela and (ii) transfer them to any other division without an enquiry and a personal hearing.

3. The recommendation made by the T. D. E. (Annexure-5 to the application) is in the nature of an internal communication to his superior officer. No transfer has been ordered based on that recommendation

T. S. J. Mohanty

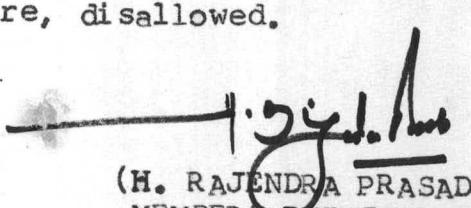
nor is there any evidence that the recommendation has been accepted or not accepted.

4. Under the circumstances the application is premature and the prayer unacceptable. All other developments, for example, the applicants' participation in Union activities, the alleged arson in the Telecom Stores at Rourkela, the incident of assault o a watchman of Telephone Bhavan, are internal matters of the Department, and there is nothing for this Tribunal to take any judicial notice of any of these so-called facts or factors, so far as the present case is concerned.

5. No cause of action or grievance having actually arisen or materialised in this case, the request of the applicants is not found feasible of acceptance.

6. The application is, therefore, disallowed.
No costs.

Mohanty/-


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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