

4
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00442/2016

Cuttack, this the 5th day of July, 2016

CORAM

HON'BLE SHRI R.C.MISRA, MEMBER(A)

...

Shri Himanshu Padhy, aged about 45 years, S/o- Mahendranath Padhy, At-Sreevihar Colony, Po- Tulsipur, Cuttack-753 008 at present working as Sub-Divisional Engineer (Electrical) BSNL Electrical Sub-Division, At-Senior Superintendent of Post Offices Building, 15 Cantonment Road, Cuttack.

..... Applicant

By the Advocate(s): M/s. J.M. Patnaik, C. Panigrahi

-Versus-

Union of India represented through

1. Bharat Sanchar Nigam Limited BSNL represented through its Chairman-cum-Managing Director, At: New Delhi, BSNL Bhawan, Harischandra Mathur Lane, Janapath, New Delhi-110001.
2. The Principal General Manager(Electrical) BSNL Corporate Office, Electrical Wing, Rook No.8, IR Hall, Eastern Court, Janpath, New Delhi-110 001
3. The Chief Engineer(Electrical), BSNL Electrical Odisha Zone, BSNL Bhawan, Ashok Nagar, Unit-2, Bhubaneswar
4. The Executive Engineer(Electrical), BSNL Electrical Division, At-Senior Superintendent of Post Offices Building, At-15, Candonment Road, Cuttack
5. The Assistant General Manager(A&E),BSNL Corporate Office, Electrical Wing, Room No.8, IR Hall, Eastern Court, Janpath, New Delhi-110 001

..... Respondents

By the Advocate(s)-

.....

ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Mr.J.M.Pattnaik, learned counsel for the applicant. In this Original

Application, applicant is presently working as Sub Divisional



Engineer(Electrical), BSNL Electrical Sub-division, Cuttack. He has assailed order dated 9.6.2016(A/5) by virtue of which he has been transferred and posted to Bihar Circle in modification of the earlier transfer order dated 27.5.2016 posting him to A & N Circle.

2. Facts as revealed from the O.A. are that earlier applicant had been posted on transfer to A & N Circle vide order dated 27.5.2016. Being aggrieved, he preferred a representation dated 2.6.2016 to the concerned authorities praying for cancellation of the said transfer order and for his retention in Orissa Circle. However, in the meantime, previous orders of transfer to A & N Circle was modified and the applicant was posted to Bihar Circle vide order dated 9.6.2016. Aggrieved with this, applicant has moved this Tribunal in this O.A. challenging order dated 9.6.2016 (A/5).

3. It is the case of the applicant that this transfer order has been issued in violation of the extant transfer guidelines set out in this regard and therefore, the Tribunal should intervene in the matter.

4. On being questioned whether applicant has agitated his grievance before the competent authorities against the order dated 9.6.2016 modifying the earlier transfer order and posting him to Bihar Circle, Mr.Pattnaik replied that applicant has not made any such representation.

5. I have perused the records and heard Mr.Pattnaik in extenso.

6. In the first instance, applicant had been transferred to A & N Circle against which he had submitted a representation dated 2.6.2016. However, in modification of earlier transfer order to A & N Circle, vide order dated



-3-


9.6.2016 applicant was posted to Bihar Circle. If applicant had any grievance against this transfer which had taken place subsequently, it was his bounden duty to at first put forth his grievance before the concerned authorities who are ~~quite~~ competent to consider and take a decision in the matter. At this stage, Mr. Pattnaik craved leave of this Tribunal and stated that applicant would submit a representation to respondent no.2 against the order dated 9.6.2016 transferring him to Bihar Circle and in such an eventuality, a direction may be issued to consider and dispose of the same in the light of the extant rules and instructions.

7. I have considered the submissions made by Mr. Pattnaik. Having regard to these, it is directed that if any such representation is received within a period of two weeks from to-day, the Principal General Manager(Electrical) BSNL Corporate Office, New Delhi (res.no.2) shall consider the same in the light of extant rules and regulations and communicate the decision to the applicant through a reasoned and speaking order within a period of four weeks from the date of receipt of such representation.

8. It is further directed that status quo in respect of the applicant shall be maintained until a decision on his representation is communicated to him.

9. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

10. Free copy of this order be made over to learned counsel for both the sides.


(R.C. MISRA)
MEMBER(A)

BKS