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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00566 of 2016
Cuttack, this the 19th day of August, 2016

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

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Gangadhar Mallick,
aged about 57 years,
S/o Late Duryodhan Mallick,
At present working as JAO
in the office of GMTD, Cuttack,
permanent resident of Vill- Balipada,
PO-/PS- Govindpur, Dist- Cuttack, Odisha.

...Applicant

(Advocates: M/s. N.R.Routray, S.Sarkar, U.K.Bhatt, Smt. J.Pradhan,
T.K.Chudhury, S.K.Mohanty)

VERSUS

1. Chairman-cum-Managing Director,
Bharat Sanchar Nigam Limited,
Corporate Office, 4th Floor,
Bharat Sanchar Bhawan, Janpath,
New Delhi-110001.
2. Chief General Manager (Telecom),
Odisha Circle, BSNL Bhawan,
Unit-II, Bhubaneswar-751009,
Dist- Khordha.
3. Internal Financial Advisor, BSNL,
Odisha Circle, BSNL Bhawan,
Unit-II, Bhubaneswar-751009,
Dist- Khordha.
4. General Manager,
Telecom District, Cuttack,
Door Sanchar Bhawan, Link Road, Cuttack- 753012.
5. Telecom District Engineer,
Bharat Sanchar Nigam Limited,
At/PO/Town/Dist- Phulbani.

... Respondents

(Advocate: Mr. K.C.Kanungo)

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ORDER (ORAL)**R.C.MISRA, MEMBER (ADMN.):**

Heard Mr. N.R.Routray, Ld. Counsel for the Applicant, and Mr. K.C.Kanungo, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents-BSNL, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant, in the present O.A., has challenged the order of his transfer from Cuttack to Phulbani and this order dated 12.07.2016 has been enclosed at Annexure-A/1 of this O.A. The applicant made a representation for cancellation of the order of transfer dated 12.07.2016 on the ground of illness of his wife and also on the ground that he would retire within a period of three years. The Respondent-authorities disposed of this representation by an order dated 04.08.2016 on the ground that the transfer has been made on administrative exigencies as per the circle ^{up} office order dated 30.07.2016. This order is also under challenge in this O.A. Ld. Counsel for the applicant, Mr. Routray, submitted that the applicant made another representation dated 06.08.2016 to the Chief General Manager, Telecom, as well as to the Internal Financial Advisor, BSNL, Odisha Circle, Bhubaneswar.

3. Mr. K.C.Kanungo, Ld. Counsel for the BSNL-authorities, on the other hand, submitted that in this O.A. at Para 4.7 the applicant has made out a case that since he is holding the post of District Finance Secretary of SC/ST Employees Welfare Association of BSNL, Cuttack Branch, which is a recognized association, his transfer to Phulbani is prohibited by BSNL guidelines dated 06.01.2014 but this ground has not made out either in his earlier representation at Annexure-A/2 or in the new representation filed under



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Annexure-A/10. Being confronted with these facts, Mr. Routray makes a prayer that the applicant be allowed to make a comprehensive representation containing all the grounds ^{of} ~~on~~ his challenging transfer order so that the authorities can consider and decide about the prayer made by the applicant.

4. In consideration of the above submissions of the Ld. Counsels for both the sides, I dispose of this O.A. by giving liberty to the applicant to make a comprehensive representation before Respondent No.2 within a period of one week from today and if such representation is filed, Respondent No.2, i.e. Chief General Manager, Telecom, Odisha Circle, is directed to dispose of the representation within a period of three weeks from the date of receipt of the representation and communicate the decision in a reasoned and speaking order to the applicant. It is also directed that status quo in respect of the applicant shall be maintained until the final decision of the authorities is communicated to the applicant. However, if the representation is not filed within 7 days, as mentioned above, no further relief would be granted to the applicant.

5. With the aforesaid observation and direction, this O.A. stands disposed of at the stage of admission itself.

6. As prayed by Mr. Routray, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2 and 3 by Speed Post, for which he will submit postal requisites by 22.08.2016.

7. Free copies of this order be made over to the Ld. Counsels for both the sides.



(R.C.MISRA)
MEMBER (A)