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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

O.A. No. 121/95.

Date of Order 24.3.1995.

S.K. Mishra

.....Applicant.

Vs.

Union of India & others

.....Respondents.

CORAM:

HON'BLE MR. GOPAL KRISHNA, JUDICIAL MEMBER.

HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER.

For the applicant - Mr. J.K. Kaushik, advocate.

ORDER (ORAL)

(Hon'ble Mr. Gopal Krishna, Judicial Member)

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Applicant, S.K. Mishra, in this Application under Section 19 of the Administrative Tribunals Act, 1985, has assailed the impugned order dated 20.1.1995 at Annexure A/1 whereby he was transferred from the post of Telephone Operator, Fatehnagar to the post of Trunk Billing Clerk at Udaipur.

2. We have heard the learned counsel for the applicant and have perused the records.
3. The applicant was holding the post of Telephone Operator at Fatehnagar and when certain posts of Telephone Operators became surplus due to the introduction of Electronic Exchanges, a specific policy was laid down by the Chief General Manager Telecom. in regard to transfers, postings and adjustments of the surplus staff vide Annexure A/5. An option was called for from the applicant regarding his posting and he had submitted his option for the post of Telephone Operator

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at Fatehnagar itself. Thereafter, orders were issued for the transfer of the surplus staff vide letter dated 2.11.1994 and eight Junior Telephone Operators were transferred vide Annexure A/6. The challenge is based on the ground that the applicant has been transferred to another post i.e. Trunk Billing Clerk for which he had not opted and no training was imparted to him. It is further contended on behalf of the applicant that the order in question was passed in utter disregard of the policy laid down in Annexure A/5, dated 5.9.1990. The applicant has already made representations in regard to his grievance to Respondents No. 2 and 3. The representations made by the applicant are still pending.

4. We, therefore, dispose of this O.A. at the stage of admission with a direction to Respondents No. 2 and 3 to consider the representations made by the applicant in regard to his grievance in the light of the relevant rules, instructions and guidelines on the subject and take a decision thereon through a speaking order within a period of one month from the date of receipt of a copy of this order. The applicant shall, however, be free to file a fresh O.A. if he is aggrieved by the decision taken on his representations.

Let a copy of the O.A. be sent to Respondents No. 2 and 3 alongwith this order.

MS*

Usha
(USHA SEN)
ADMINISTRATIVE MEMBER

Gopal Krishna
(GOPAL KRISHNA)
JUDICIAL MEMBER