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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 186/1999
P.A. No.

199

DATE OF DECISION : 24.05.2000.

Om Prakash Snahi Petitioner

Mr. J.K. Kaushik, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent (s)

Mr. Vineet Mathur, Advocate for the Respondent (s)



CORAM :

The Hon'ble Mr. A.K. Misra, Judicial Member

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *NV*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *NV*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *NV*

Gopal Singh
(Gopal Singh)
Adm. Member

A.K. Misra
(A.K. Misra)
Judl. Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

.....

Date of order : 24.05.2000.

O.A.NO.186/99

Om Prakash Snahi S/o Shri Bhanwarlal, aged about 36 years, R/o Outside Chandpole, Near Pareek Bagichi, Jodhpur, at present employed on the post of Sr.TOA (G), Office of the SDO (T), Balotra, Distt. Barmer.

.....Applicant.

versus

1. Union of India through Secretary to Government of India, Ministry of Communication, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. Chief General Manager Telecom, Rajasthan Circle, Jaipur.
3. General Manager Telecom (West), Jodhpur.
4. General Manager Telecom District, Jodhpur.
5. Telecom District Manager, Barmer, Distt.Barmer.

.....Respondents.

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Mr.J.K.Kaushik, Counsel for the applicant.

Mr.Vineet, Mathur, Counsel for the respondents.

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CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

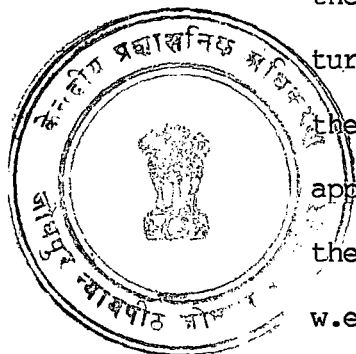
In this Application under Section 19 of the Administrative Tribunals Act, 1985, applicant Om Prakash Snehi has prayed for a direction to the respondents to transfer the

Gopal Singh

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applicant to Jodhpur as per his option/turn under Para 38 of P&T Manual, Vol.IV, with all consequential benefits.

2. Applicant's case is that while he was working as Telecom Office Assistant (TOA) with the respondent department at Jodhpur, the Headquarters of DET, Jodhpur, was transferred to Barmer in the year 1991. Accordingly, the applicant was also transferred to Barmer. The respondents had called for options from the affected employees for getting their names registered for transfer to Jodhpur under Para 38 of P&T Manual, Vol.IV. The applicant had also opted for transfer to Jodhpur and was registered at Sl.No.9 of the list of optees. The respondents had thereafter transferred the optees to Jodhpur. However, when the turn of applicant came, he was not relieved on the pretext that there was shortage of staff. Even the optees listed below the applicant have been transferred to Jodhpur ignoring the claim of the applicant. Meanwhile, the applicant was promoted as Sr.TOA w.e.f. 22.10.96.



3. In the counter, it has been contended by the respondents that in the year 1993 when the turn of the applicant came for transfer to Jodhpur, a new telecom policy for faster development of telecom network came into existence and because of the shortage of staff the applicant could not be transferred to Jodhpur and when the applicant got his promotion as Sr.TOA, his name was deleted from the list of optees.

4. We have heard the learned counsel for the parties and have gone through the record.

5. It is admitted by the respondents that the applicant was placed on the list of optees at Sl.No.9 and when the applicant got his promotion as Sr.TOA, his name was deleted from the said

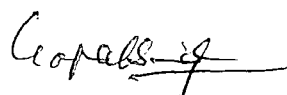
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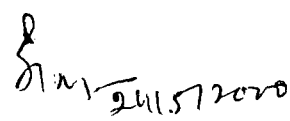
list. It is also a fact that many a Sr.TOA were transferred to Jodhpur by reverting them as TOA. However, though applicant sought transfer to Jodhpur even on reversion his case was not considered. The applicant was informed that if he is transferred now, he will have to be reverted to the post of TOA, vide respondents letter dated 28.1.98 (Annex.A/7). From the facts stated above, it is not clear as to why the applicant could not be transferred to Jodhpur specially when the applicant was prepared for reversion on his transfer to Jodhpur and other optees had been transferred on reversion. The applicant should not have been discriminated against in the matter.

6. In the light of above discussion, we are firmly of the view that the application deserves acceptance.

7. The O.A. is, therefore, accepted. The respondents to Jodhpur are directed to transfer the applicant/in pursuance of Para 38 of the P&T Manual, Vol.IV, as per the Rules in force and as per the option of the applicant on the post of TOA, within a period of three months from the date of communication of this order.

8. No orders as to cost.


(GOPAL SINGH)
Adm.Member


(A.K.MISRA)
Judl.Member

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jrm

Lib
Humbly mentioned

Receipt
Done

29/5/2008

(S.K. Raushik
Johs)

Copy Done

29/5/08

for Vd. matter
Hd.

Part II and III destroyed
in my presence on 30/10/06
under the supervision of
section officer as per
order dated 23/8/06

Section officer (Records)
Section officer