

10

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO.316/2010

Date of Order:25.02.2011

HON'BLE Mr. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER

S.S. Ganjsinghani S/o late Shri Roop Chand Ganjsinghani, aged about 58 years, R/o plot No.1-B (GA), Jawaharnagar, outside Kishanpole, Udaipur, at present employed on the post of SDE (Commercial), Banswara, in the office of GMTD, BSNL, Banswara.

....Applicant

Rep: Mr. J.K. Mishra, counsel for applicant.


VERSUS

1. Bharat Sanchar Nigam Ltd., through its Chairman & Managing Director, Corporate office, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi.
2. The Chief General Manager Telecommunication, Bharat Sanchar Nigam Ltd., (A Govt. of India Enterprises) Rajasthan Circle, Sardar Patel Marg, Jaipur-08.
3. The General Manager Telecom District, BSNL, Banswara.
4. Divisional Engineer (HR/Admn), BSNL, O/o The General Manager Telecom District, BSNL, Banswara.

.....Respondents

Rep: Mr. Vijay Bishnoi & Mr. R.J. Puniya, counsel for respondents.

ORDER (ORAL)

The applicant S.S. Ganjsinghani, who is presently posted at Banswara on the post of SDE (Commercial) in the office of GMTD, BSNL, Banswara, has filed this O.A. for grant of following reliefs:-

“(i) That impugned transfer order dated 21.10.2010 (Annexure-A/1), passed by 4th respondent for transferring the applicant from Banswara to Kushalgarh and relieving order dated 22.10.2010 (Annexure-A/2) may be declared illegal and the same may be quashed. The respondents may be directed to consider the transfer of the applicant to Udaipur as per the Transfer Policy of BSNL and allow all consequential benefits.

(ii) That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(iii) That the costs of this application may be awarded."

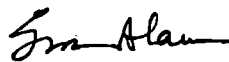
2. Heard the learned advocate of the applicant as well as the respondents. It has been submitted by the learned advocate of the applicant that this O.A. can be disposed of at the admission stage itself in the light of the order dated 04.11.2010 passed by the concerned authority cancelling the order of transfer in respect of the applicant. He submitted that the respondents' lawyer has brought the said order of cancellation of transfer of the applicant on record. He further submitted that after cancellation of the transfer order, the first part of relief No.1 claimed by the applicant for quashing/cancelling the transfer order as well as relieving order (Annexure-A/1 & A/2) have become infructuous. But so far the relief claimed by the applicant for issuing direction to the respondents to consider the transfer of the applicant from Banswara to Udaipur as per the Transfer Policy of BSNL, the same survive for which the representation of the applicant as per Annexure-A/3 is pending with the concerned authority.

Sm A

3. The learned advocate of the applicant further submitted that the O.A. may be disposed of with direction to the concerned authority to consider the representation of the applicant for his transfer to Udaipur as per the transfer policy of the BSNL within a fixed period.

4. Considering the submission of the both the sides and after going through the order dated 04.11.2010 passed by the Divisional Engineer (HR/Admn), Office of GMTD, Banswara it transpired that the applicant's transfer to Kushalgarh has already been cancelled by the respondent and so I am satisfied that the prayer of the applicant for quashing of transfer order and relieving order (Annexure-A/1 & A/2) does not survive. However, it appears that the applicant has filed a representation for his transfer from Banswara to Udaipur and the applicant's lawyer submitted that this representation is as per the transfer policy of the BSNL and so I am of the opinion that this O.A. can be disposed of with direction to the respondents to consider and dispose of the representation of the applicant for his transfer to Udaipur within a period of two months.

5. In the result, this O.A. is disposed of with a direction to the respondents to consider and dispose of the representation of the applicant for his transfer to Udaipur as per the Transfer Policy of the BSNL and pass an order in this regard within a period of two months from the date of receipt/production of a copy of this order. Accordingly, this O.A. stands disposed of at the admission stage itself and the interim order granted earlier shall stand vacated. In the circumstances of the case there will be no order as to costs.



(Justice S.M.M. Alam)
Judicial Member

दिनांक २१-५-६६ के आदेशानुसार
मेरी उपस्थिति में दिनांक २९-६-६६
को धन-॥ ३/॥॥ रू० किया गए ।

अनुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिकरण,
जोधपुर न्यायपीठ, जोधपुर