

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application Nos.124/2010

Date of decision: 24.8.2010

Hon'ble Mr. Justice Syed Md Mahfooz Alam, Judicial Member.

Jetha Ram Siyag, S/o Shri Heera Ram by caste Jat aged about 47 years, resident of Rajpura Phanta, Loonkaransar Distt. Bikaner (Raj) at present working as Telecommunication Operating Assistant (Phones) posted at BSNL Loonkaransar.

: applicant.

Rep. By Mr. R.S. Choudhary : Counsel for the applicant.

Versus



1. Bharat Sanchar Nigam Ltd. through its Chairman Cum Managing Director, BSNL, Bhagwan Harish Chandra Mathur Lane, Janpath New Delhi.
2. Bharat Sanchar Nigam Ltd. through its Chief General Manager, Telecommunication, Rajasthan, Telecom Circle, Sardar Patel Marg, C Scheme, Jaipur.
3. The General Manager, Telecommunication Department BSNL Bikaner,
4. Assistant General Manager (HR Admn) C/o GMTD, Bharat Sanchar Nigam Ltd. Bikaner.

: Respondents.

Rep. By Mr. Vikas Seoul proxy counsel for Mr. Vinit Mathur: Counsel for the respondents.

ORDER

Per Mr. Justice S.M. M. Alam, Judicial Member.

Heard the learned advocates appearing for both parties on the point of admission.

2. Shri Jetha Ram Siyag, has filed this Original Application for grant of following reliefs:

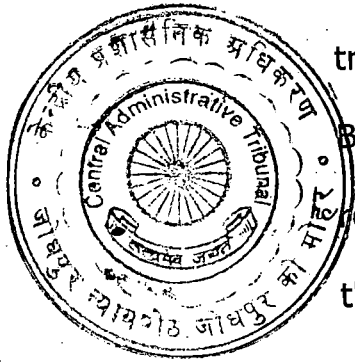
- " A) By an appropriate writ order or direction the order impugned dated 27.04.2010 (Annex. A/1) may kindly be quashed and set aside to the extent of the applicant.
- B) By an appropriate writ order or direction the respondents may kindly be directed to transfer the applicant at BSNL Bikaner as per his choice.

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C) Any other appropriate order or relief which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of this case may also kindly be passed in favour of the humble applicant.

3. The case of the applicant in brief is that the applicant was appointed on the post of Senior Telecommunication Operating Assistant(Phones) vide order dated 02.08.1988. Vide Annexure A/2 dated 08.04.2010, the respondents invited applications from employees for their transfer to choice places. The said letter contains nine conditions for transfer of an employee. In pursuance of the said letter the applicant submitted application dated 15.04.2010 (Annex. A/3) to the respondents giving his choice for transfer from rural area to urban area i.e. from Lunkaransar to Bikaner. But the respondents against their policies and conditions referred to in annex. A/2, vide order dated 27.04.2010, transferred the applicant from rural area to rural area i.e. from Lunkaransar to Khajuwala, whereas employees who had longer stay in Bikaner were not transferred and retained at Bikaner. Against the said order of transfer (Annex. A/1) the applicant submitted a representation on 30.04.2010 (Annex. A/5) and when no order was passed by the respondents on his representation, the applicant preferred this original application seeking reliefs mentioned above.

4. On filing of the O.A, notices were issued to the respondents. In compliance of the notices, the respondents made appearance through their lawyer and filed reply to the O.A. As per the pleadings made in the reply, the case of the respondents is that the claim of the applicant is not covered under the policy at Annex. A/2, which applies to the employees posted at urban areas,



from A

whereas the applicant was posted ⁻³⁻ at rural station. It has further been contended that the applicant has already been relieved by the department.

5. It has been submitted by the learned advocate of the applicant that the applicant was appointed against disability quota and for the last more than 10 years he was posted in rural area. The learned advocate further submitted that the applicant being physically disabled person had given his choice for his transfer from rural to urban area i.e. from Lunkaransar to Bikaner. But in spite of that the respondents transferred him from Lunkaransar to Khajuwala i.e. from one rural area to another rural area, which is against the policies incorporated in Annex. A/2. He has further submitted that his representation dated 30.04.2010 (Annex. A/5) is pending for consideration before the authorities concerned.

6. The learned advocate of the respondents argued that Annex. A/2 is not applicable in the case of the applicant. I am also in agreement with the said statement. However, it appears from annex. A/5, that the applicant was appointed against disability quota. He has also annexed a certificate in this regard which is at Annex. A/4. Therefore, the transfer of the applicant from one rural area to another rural area may create some problem for the applicant as he is a handicapped person. It is also seen that the representation filed by the applicant is pending before the



Annex A

respondents, which required to be disposed of by the respondents after giving a hearing to the applicant.

7. In this view of the matter, I am of the considered opinion that the O.A can be disposed of at the admission stage with a direction to the respondents to dispose of the representation dated 30.04.2010 (annex. A/5) filed by the applicant against his transfer, by a reasoned and speaking order, giving due consideration that the applicant is a physically handicapped person and he was appointed against disability quota as per Annex.A/5



In the result this O.A is disposed of at admission stage itself with a direction to the respondents to dispose of the representation of the applicant dated 30.04.2010 (Annex. A/5) by passing a reasoned and speaking order within one month from the date of receipt of a copy of this order and until the representation of the applicant is disposed of by the respondents the applicant shall not be relieved from his present place of posting i.e. Lunkaransar. However, it is made clear that any observation made in this order will not be binding on the respondents' authority. In the facts and circumstances of this case there will be no order as to costs. Accordingly this O.A. is disposed of.

S.M.M. Alam
[Justice S.M.M.Alam]
Judicial Member.

दिनांक 12/11/20 के आदेशानुसार
पेरी ठगस्थिति दिनांक 11/11/20
को भाग-II में लिख दिया है।

अनुमान अतिरिक्त
केन्द्रीय प्रशासनिक अधिकारी
जोधपुर न्यायपीठ, जोधपुर