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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.307/2012

Date of decision:30.07.2012

**HON'BLE Mr. G. SHANTHAPPA, JUDICIAL MEMBER,
HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER.**

J.C. Heda S/o Shri Badrilal Heda, aged about 55 years, R/o 3-DH-24, Prabhatnagar, Hiranmagri, Sector No.5, Udaipur, at present employed on the post of Senior Accounts Officer (Sub Ledger), in the office of GMTD BSNL, Hiranmagri, Sector No.4, Udaipur-313002.

: Applicant

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-110001.
2. Assistant General Manager (SEA), Corporate Office, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi-110001.
3. The Chief General Manager Telecommunication, BSNL, Rajasthan Circle, Sardar Patel Marg, Jaipur-08.

.....Respondents

Mr. Vinit Mathur, Learned ASG, and Mr. Ankur Mathur, counsel for respondents.

ORDER (ORAL)

Per G. Shanthappa, Judicial Member

We have heard the learned counsel for the applicant. Shri Vinit Mathur, learned ASG and Standing Counsel for the BSNL, is directed to take notices on behalf of the respondents.

2. The above application is filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief of challenging



the order dated 17.07.2012 (Annexure-A/1) issued by the 2nd respondent, and further relief to direction to allow the applicant to continue at Udaipur as per the temporary retention order dated 13.04.2012 (Annexure-A/4).

3. It is admitted fact that the wife of the applicant is also an employee of BSNL. The applicant was transferred earlier, and for that he had submitted a representation dated 29.03.2012 for retention, and in his representation he had submitted that **"My wife Kiran Heda who is working as an Account Officer at O/o GMTD, Udaipur and as per BSNL policy, Husband and Wife should be posted at the same place (as far as possible). It will also help her look after me and my health because I am suffering from severe diabetes. Additionally, I have to make preparations for my daughter's marriage which is fixed in the month of June 2012. So my request for retention in the Rajasthan Circle for one year or my request of transfer to Corporate Officer or re-allotment to GUJ Circle, may be considered."**

4. The applicant has now been transferred vide impugned order dated 17.07.2012 (Annexure-A/1) with a partial modification of the order dated 13.04.2012, the temporary retention order for Rajasthan Circle issued for a period of one year, that has been cancelled, as his name appeared in ODI list.

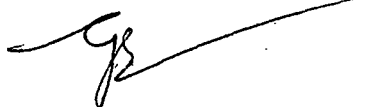
5. The counsel for the respondents submits that the applicant has already celebrated his daughter's marriage as per the earlier representation of the applicant. The applicant had not submitted



his representation to the impugned order dated 17.07.2012, requesting the concerned authority for retention or to withdraw the posting order. Learned counsel for the respondents submits that at this stage, he cannot say anything about the case, if a direction is given to consider the representation to be submitted by the applicant, the respondents will be considered the same in accordance with the transfer guidelines and relevant instructions.

6. We have considered the submission made from the either side, we have not gone into the merits of the case. Since the applicant has not submitted his representation subsequent to the order dated 17.07.2012 (Annexure-A/1), we direct the applicant to approach the respondents for retention of his working place in Rajasthan Circle i.e. at Udaipur, on the ground that his wife is working in same establishment, or as he mentioned in the O.A., has to celebrate his daughter's marriage or any other grounds to be taken in the representation for the redressal of his grievance. We direct the applicant to make representation urging all his grounds for retention, within a period of one week from today, if such representation is submitted to the competent authority, then the competent authority is directed to decide the same within a period of three weeks from the date of receipt of such a representation to be submitted, and to decide the representation based on the transfer guidelines and instructions.

7. The learned counsel for the applicant submits that the applicant has not been relieved though the order was passed on 17.07.2012. This issue cannot be decided at this stage, if the




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applicant has not been relieved till today, the respondents are directed to continue the applicant in the present place of working till they take final decision on the representation to be submitted by the applicant.

8. With the above observations, the OA is disposed of.



[B.K.Sinha]
Administrative Member



[G. Shanthappa]
Judicial Member

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