

I/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

Original Application No. 25 of 2013

Dated this the 22nd day of January, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Prathvi Raj Son of Shri Bhag Chand,
Telecom Mechanic in the office of Sub
Divisional Engineer (OCB), Bharat Sanchar
Nigam Limited, Telegram Office, Sardarpura, Jodhpur
R/o Kalal Colony, Nagori Gate, Jodhpur.

..Applicant

(By Advocates Mr. Vijay Mehta and Mr.JC Singhvi)

Vs.

1. Bharat Sanchar Nigam Limited through the Chairman,
Cum Managing Director, Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane, Janpath, New Delhi.
2. General Manager, Bharat Sanchar Nigam Limited
Door Sanchar, Zila, Subhash Nagar, Pal Road, Jodhpur.
3. Assistant General Manager, Bharat Sanchar Nigam Limited
(Administration and HR) Subhash Nagar, Pal Road,
Jodhpur.
4. Sub Divisional Engineer, (OCB), Bharat Sanchar Nigam
Limited, Telegram Office, Sardarpura, Jodhpur.

....Respondents

ORDER

Per: Justice K.C.Joshi, Judicial Member


This application is directed against the order No.E.120/TM/Transfer/2012/28 dated 5.12.2012 (A1) transferring the applicant from Jodhpur to Balesar. The applicant has prayed for quashing Annexure.A.1 order and restrain the respondents from implementing the same.

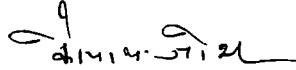
2. The brief facts of the case is that the applicant a Telecom Mechnic in Bharat Sanchar Nigam Limited (BSNL) at Jodhpur has been transferred to Balesar vide order



dated 5.12.2012. The applicant has produced the transfer policy of the department (A2) and stated that the transfer can be effected only for the objectives and on the grounds mentioned in Para Nos., 2,4 and 5 of the Policy and that the transfer of applicant has not been made for not attaining objectives mentioned in the Para Nos. 2,4 and 5. The transfer policy also stipulates that the transfer should be effected in March/April, however the applicant has been transferred in the month of December 2012 in violation of the transfer policy. Applicant has narrated in his application names of certain Telecom Mechanics who have longer stay than the applicant at Jodhpur. It is seen that applicant has not submitted any representation against this transfer prior to approaching this Tribunal. The instant case is similar to OA No.103/2012 decided vide order dated 22.3.2012 and OA No.475/2012 and OA No. 476/2012 decided on 10.12.2012. It is apparent that the applicant has yet to file a representation before the competent authority before this Tribunal takes up the case for hearing. Therefore, in view of the points pleaded by the applicant, this case is remanded to the competent authority that being the Respondent No.2 General Manager, BSNL, Jodhpur for consideration treating this OA as a representation. It is further directed that the applicant will not be disturbed from his present posting at Jodhpur till the decision of the 2nd respondent is communicated to the applicant. The respondent No.2 is further directed to dispose of the application by means of a reasoned order within two months from the date of receipt of a copy of this order.

3. The Original Application is disposed of accordingly. No order as to costs.


(Meenakshi Hooja)
Administrative Member


(Justice K.C. Joshi)
Judicial Member