

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. O.A. 1184 of 1997.

Present : Hon'ble Dr. B.C.Sarma, Member (A)
Hon'ble Mr. D.Purkayastha, Member (J)

HARA PRASAD DAS

Vs.

1. Union of India, through the Secretary,
Deptt. of Telecom, New Delhi.

2. Chief General Manager, Telecom,
West Bengal Telecom Circle, 1. Council
House Street, Calcutta - 1.

Respondents.

For applicant : Mr. M.M.Basu, counsel.

For respondents : Mr. B. Mukherjee, counsel.

heard on : 17.12.97 :: ordered on : 17.12.97.

ORDER

B.C.Sarma. AM

Briefly stated the facts of the case are as follows :

The applicant was an employee of the Telecommunication Department and his wife is also an employee of the same department and originally posted at Burdwan. His wife was subsequently transferred from Burdwan to Calcutta by an order passed by the respondent on 16.3.95. The applicant represented to the authorities concerned with the request that he should also be transferred to Calcutta because it is the policy of the Government that husband and wife if they are employees of the same organization may be posted at the same station. But his representations have not yet been disposed of.

2. When the admission hearing of the matter was taken up today, Mr. B. Mukherjee, ld. counsel for the respondents, raised the plea of limitation on the ground that cause of action in this case has arisen sometime in 1995 ^{whereas} and this application has been



filed on 3.10.97. He, therefore, prays for dismissal of the application.

3. We have heard the ld. counsel for both the parties and perused records. Our attention has been invited to a copy of the circular issued by the Indian Posts and Telegraphs Deptt and as per the copy of the New Delhi letter dated, ^{22/8/78 extracted} ~~as instructed~~ ^{therein}, as far as possible husband and wife should be posted in the same station if there be no administrative inconvenience. ^{as per the} Ld. counsel for the applicant submits that/said policy of the Government the applicant should be transferred to Calcutta. But we find that the applicant has filed this application on 3.10.97 whereas he had filed his first representation in March, 1996 as annexed to the application. But the said representation does not bear any date. The applicant has also submitted another representation on 28.11.96. We have been given to understand that the representations have not yet been disposed of by the respondents. Mr. Mukherjee, ld. counsel, submits that he does not have any instruction whether the said representations were received by the respondents. Ordinarily on the ground of limitation we would have dismissed the petition since we find that actual cause of action has arisen in 1995 and the applicant had submitted his first representation in 1996 whereas the instant application has been filed on 3.10.97. However, keeping in view the fact that the applicant wants to implement the benefit of a policy matter of the government regarding transfer which is in the convenience of the employee, we are not inclined to reject the application on the ground of limitation. We are of the view that appropriate order to be passed in this case will be to give a suitable direction in the matter.

4. In view of the above, the application is disposed of, at the stage of admission itself, with the direction that respondents shall within a period of three months from the date of communication of this order treat the instant application as a fresh

