

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

D.A. No. 1338 of 1997.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.
HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Janardan Bhattacharya,
son of late, Keshiswar Bhattacharya,
208, Chandra Mondal Lane,
Calcutta-26 and working for gain as
Telecom Office Asstt. (Gen) Gr-II,
Office of the Superintending Engineer,
Telecom Civil Circle, Yogayog Bhawan,
P-36, C.R. Avenue, Cal-12.

... Applicant.

Vrs.

1. Union of India,
service through the
Secretary, Ministry of Communication,
Dept. of Telecom, Sanchar Bhawan,
20, Ashoka Road, New Delhi-1.
2. Telecom Commission, service through
the Chairman, Sanchar Bhawan,
20, Ashoka Road, New Delhi-1.
3. Member (Production),
Telecom Commission, New Delhi-1.
4. Chief General Manager,
Calcutta Telephones District,
34, B.B.D. Bag, Cal-1.
5. Chief General Manager,
Telecom, W.B. Circle,
1, Council House Street,
Cal-1.
6. Chief Engineer (C), Deptt. of Telecom,
Yogayog Bhawan, P-36, C.R. Avenue,
(4th floor), Cal-12.
7. Superintending Engineer,
Telecom Civil Circle-1,
Yogayog Bhawan,
P-36, C.R. Avenue (2nd Fl.),
Cal-12.
8. Executive Engineer (H.Q), O/o- Chief Engineer(C)
Dept. of Telecom P-36, C.R. Avenue (4th Fl.),
Cal-12.

 ... Respondents.

For applicant : Mr. Samir Ghosh, Counsel leading
Mr. P. Bhattacharya, Counsel.

For respondents : None.

Heard on : 21.11.97.

Ordered on : 21.11.97.

O R D E R

B.C.Sarma, AM.

1. This matter has been moved by Mr. Ghosh as unlisted application on behalf of the applicant. The applicant, who is a Telecom. Office Asstt. (Gen) Gr-II, is aggrieved by the order of transfer dated 13.11.1997 issued by the Chief Engineer (C), respondent no. 6 in the application.
2. When the admission hearing of the matter was taken up today none appears for the respondents since no copy of the application has been served on the other side. However, because of the urgency of the matter on the submission of Mr. Ghosh that the applicant might be released from his present assignment ~~sequence~~ of the transfer order, we have taken up the matter for adjudication even though ^{copy} it has not been served on the other side.
3. Mr. Ghosh submits that this application has been filed mainly on two grounds - (1) the Chief Engineer (Civil) does not have any jurisdiction to issue the impugned transfer order and (2) the applicant will face personal difficulty if in the midst of the academic year he is transferred from Calcutta to Islampur Maldah. The applicant had filed a representation as set out at Annexure 'G' to the application, which is pending with the authorities. Mr. Ghosh also invited our attention to another annexure at page 44 marked as 'H', which is a letter addressed to the Chief General Manager, Calcutta Telephones District, Calcutta

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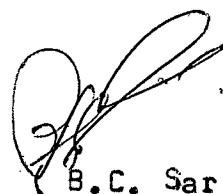
Telephones District, Calcutta by a representative of the All India Telecom Civil Wing Non-Gazetted Employees Union and this representation is also pending.

4. In view of the above, we are of the view that instead of asking the respondents to appear in this matter and file a reply, the application should be disposed of at the stage of admission hearing itself.

5. In view of the above position, we dispose of this application at the stage of admission hearing itself with the direction that the respondent no. 4, who is the Chief General Manager, Calcutta Telephones District, shall treat this application as a fresh representation filed by the applicant and shall dispose it of keeping in view the two points mentioned hereinbefore. He shall pass a speaking order after such consideration within a period of one(1) month from the date of communication of this order and the said decision of the Chief General Manager shall be conveyed to the applicant within a period of 15(fifteen) days thereafter. Till the said communication is conveyed to the applicant, we order that the impugned transfer order be stayed. No order is passed as regards costs.

(D. Purkayastha)
Member (J)

10/11/91


B.C. Sarma)
Member (A)