

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.NO.447/92

Friday, this the 5th day of November, 1993.

C O R A M:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

NP Ouseph, R.S.A. P.C.M. Mtce, Cross Bar II, Thrissur.

....Applicant

By Advocate Shri M.R. Rajendran Nair

Vs.

1. The Chief General Manager, Telecom, Kerala Circle, Trivandrum.
2. The Chief General Manager, Telecom, Tamil Nadu Circle, Tamil Nadu.
3. The Telecom District Manager, Thrissur.
4. Union of India represented by Secretary to Government, Ministry of Communications, New Delhi.

....Respondents

By Advocate Shri KV Raju, ACGSC.

O R D E R

CHETTUR SANKARAN NAIR (J)

Applicant prays for a declaration that he is entitled to be granted Selection Grade in the cadre of Mechanic with effect from 1.6.1974. Other ancillary reliefs are also prayed for. He commenced service as Technician in the scale Rs.260-400 (pre-revised). He is now working as a Repeater Station Assistant (Transmission Assistant) in the scale Rs.330-560 (pre-revised). He claims the higher grade Technician's post, in the scale Rs.425-640 (pre-revised). He made several representations, and they were rejected. Annexure IX is the last of these orders. It states that applicant, while working as Technician in the Tamil Nadu Circle, was transferred to Kerala Telecom Circle seeming to suggest that he lost seniority, in this process. Transfer, ipso facto, is no reason to forfeit seniority and consequential benefits. However, if the rules provide for loss of seniority and consequential benefits

contd.

on transfer, then the applicant cannot claim these. We find nothing in Annexure IX order which refers to the rule governing the matter. It is well settled that any order causing adverse civil consequences to a citizen, must be a speaking order, supported by reasons. Annexure IX does not satisfy this requirement and for that short reason, and without expressing any opinion on the merits, we quash Annexure IX. First respondent will consider the claim of applicant, in accordance with rules governing the matter and pass appropriate orders, if necessary, in consultation with the second respondent or after gathering all relevant particulars from him. Applicant may make a further comprehensive representation before the first respondent outlining his grievances within three weeks from today. First respondent shall pass an order as aforesaid, within three months of the date of receipt of the representation.

2. Application is allowed. No costs.

Dated the 5th November, 1993.

  
PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

  
Cheettur Sankaran Nair

CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

LIST OF ANNEXURE:

Annexure IX - Copy of Memo No. ST/42-Genl/Tech/91 dated 26.7.91  
of Asstt. Director (Staff-I), o/o CGMT,  
Trivandrum.