

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.463/2002

Tuesday this the 2nd day of July, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

M.V.Surendran, S/o Vallon,  
aged 41 years, Telecom Mechanic,  
Office of the SDE (EAST), Palarivattom,  
residing at Mekker Parambil,  
Vattekkunnam, Edapally  
North PO.

...Applicant

(By Advocate Mr.M.R.Rajendran Nair)

V.

1. The Principal General Manager,  
Telecom, B.S.N.L. Ernakulam, Kochi.16.
2. Assistant General Manager (Admn)  
Office of the Principal General Manager,  
Telecom, Kochi.16.
3. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Telecommunications,  
New Delhi.

...Respondents

(By Advocate Mr. C.Rajendran, SCCSC)

The application having been heard on 2.7.2002, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, Telecom Mechanic in the office  
of the Sub Divisional Engineer (East), Palarivattom has  
filed this application impugning the order dated 6.5.2002  
(A2) by which he has been transferred and posted to  
Telephone Exchange, Erattayar under the Area Manager,  
Thodupuzha purportedly in the interests of service with  
immediate effect. It is stated in the application that  
the applicant has an old mother aged 91 years, young  
child studying at school, <sup>and</sup> unemployed wife, that on his

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request he was posted from Kattappana to Ernakulam in the year 1998<sup>and</sup> that the present transfer again to Erattayar is arbitrary and irrational and not on account of any public interest. The applicant made a representation to the first respondent seeking cancellation of the transfer on 14.5.2002. The matter was pursued by the Union and the Union was informed by Annexure.A4 order that it was not possible to review the transfer of the applicant as he has been transferred in connection with a vigilance case.

2. The applicant has stated that to his knowledge there is no vigilance case against him, that he has unblemished record of service, that he has been discharging the duties properly without giving room for any complaint to anybody and that therefore, the Tribunal may set aside the impugned order.

3. We have heard Shri M.R.Rajendran Nair, learned counsel of the applicant and perused the materials placed on record. We have also heard Shri C.Rajendran, learned Sr.CGSC appearing for the respondents. Shri Rajendran stated that the transfer of the applicant was considered necessary in public interest in connection with a vigilance case and therefore the Tribunal may not interfere.

4. Even going by the averments in the application itself as also from Annexure.A4 it is evident that the transfer of the applicant was necessitated in connection with a vigilance case. No malafide has been alleged in

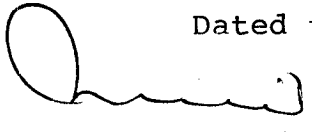
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the application. The applicant on his request was given a posting to Ernakulam four years back. Now when the competent authority decided that it is necessary to transfer him in connection with a vigilance case we are of the considered view that judicial intervention is not at all justified.

5. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 2nd day of July, 2002

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the representation dated 21.7.98 submitted by the applicant to the 2nd respondent.
2. A-2 : True copy of the Order No.ADMN-II/267/7/V/101 dated 6.5.2002 issued by the 2nd respondent.
3. A-3 : True copy of the representation dated 14.5.2002 submitted by the applicant to the 1st respondent.
4. A-4 : True copy of the letter No.ST/EK/110/BSNL EU/39 dated 21.6.2002 issued by the Deputy General Manager (Admn), Office of the Principal General Manager, BSNL, Ernakulam to the District Secretary, BSNLEU, Ernakulam.  
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