

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 470 of 2010**

**Thursday, this the 3<sup>rd</sup> day of June, 2010**

**CORAM:**

**Hon'ble Mr. Justice K. Thankappan, Judicial Member**  
**Hon'ble Mr. K. George Joseph, Administrative Member**

P.S. Gopalakrishnan, aged 56 years, Telecom Mechanic,  
H.R. No. 198215644, Tripunithura Exchange, BSNL,  
Residing at B1, Telecom Staff Quarters, BSNL,  
Tripunithura. ....

**Applicant**

**(By Advocate – Mr. K.M. Kurian)**

**V e r s u s**

1. Principal General Manager of Telecom, BSNL Bhavan, Ernakulam.
2. Deputy General Manager, (Admn), O/o. Principal General Manager of Telecom, BSNL Bhavan, Ernakulam.
3. Asst. General Manager (Admn), O/o. Principal General Manager of Telecom, BSNL Bhavan, Ernakulam. ....

**Respondents**

**(By Advocate – Mr. George Kuruvilla)**

This application having been heard on 03.06.2010, the Tribunal on the same day delivered the following:

**O R D E R**

**By Hon'ble Mr. Justice K. Thankappan, Judicial Member -**

The applicant approached this Tribunal, aggrieved by Annexure A-1 order of transfer. The case of the applicant is that he is having a mentally retarded child who is studying in Snehanilayam school meant for mentally retarded children and that apart, his wife is also an employee in a private



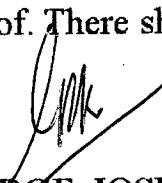
school. The applicant himself has to attend the day to day affairs of his mentally retarded child and also to look after the other children. In the above circumstances if he is transferred to a out station place like Pattimattom, it will affect his family life and also affect the educational career of his children. The applicant has further case that as per Annexure A-2 representation the applicant has pointed out the existence of three vacancies in nearby stations to which he can also be accommodated so as to give a console to his family. Apart from the other three places now the counsel for the applicant submits that there arise a vacancy at Chottanikara also. If so, the applicant ought to have been transferred in any of the stations.

2. We have heard the counsel appearing for the applicant Mr. K.M. Kurian and counsel appearing for the respondents Mr. George Kuruvilla on receipt of the copy of the Original Application. The reasons in this Original Application are not appears to be much impressive. However, we are of the view that since the applicant himself has pointed out the existence of vacancies in the nearby stations and also in the light of the Annexure A-4 order of the Government, we are of the view that the respondents ought to have considered the claim of the applicant for transferring him to any of the existing post in a nearby station. If so, it is only proper for this Tribunal to interfere with the present order Annexure A-1 and we see that the implementation of the order passed by the respondents to the extent applicable to be applicant can be kept for a period of ten days in abeyance and in the meanwhile the respondents shall consider the Annexure A-2 and



the claim of the applicant regarding the existence of vacancy at nearby places. Ordered accordingly. The counsel for the applicant shall produce a copy of this order along with a copy of the Original Application to the 2<sup>nd</sup> respondent for compliance.

3. With the above observation and direction this Original Application is disposed of. There shall be no order as to costs.

  
(K. GEORGE JOSEPH)  
ADMINISTRATIVE MEMBER

  
(JUSTICE K. THANKAPPAN)  
JUDICIAL MEMBER

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