

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM**

Original Application No. 522 of 2013

Thursday, this the 31st day of October, 2013

C O R A M :

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Giri C.P, aged 49 years,
S/o. Prabhakaran,
Chirakkal Thittayil,
Eroor South P.O. : 682 306,
Now working as Telecom Mechanic,
Office of the Sub Divisional Engineer,
Telephone Exchange, Mulanthuruthy – 682 314 Applicant.

(By Advocate Mr. P. Ramakrishnan)

v e r s u s

1. The Principal General Manager, Telecom,
 Bharat Sanchar Nigam Limited,
 Ernakulam, Kochi – 16
2. Assistant General Manager (Admn.),
 Office of the PGMT, BSNL Bhavan,
 Ernakulam, Kochi -16
3. Sub Divisional Engineer (Internal),
 BSNL, Telephone Exchange,
 Tripunithura – 682 301
4. The Divisional Engineer, Phones.
 BSNL, Telephone Exchange,
 Tripunithura – 682 301 Respondents.

(By Advocate Mr. George Kuruvilla)

This Original Application having been heard on 31.10.2013, the Tribunal on the same day delivered the following :

ORDER

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER


The applicant who was posted in the High Range office at Munnar on 30.07.2004 on officiating promotion as Telecom Mechanic, was reverted on



his request to Group-D post with effect from 24.05.2007 and was transferred to Tripunithura Telephone Exchange. Again on his request, he was promoted as Telecom Mechanic with effect from 01.09.2010 and was posted to Mulanthuruthy Exchange. Later on, he had requested for increment as Telecom Mechanic from 2004 itself. Pursuant to the impugned order dated 28.05.2013, he has joined Nedumkandam on 15.06.2013 as Telecom Mechanic. He is ready and willing to forego his promotion as Telecom Mechanic to get posted back at Tripunithura. He has filed this O.A for a direction to the first respondent to consider his representations at Annexures A-4 and A-5.

2. The applicant submitted that he is suffering from various diseases which are likely to be aggravated if he is transferred to High Range areas. He has submitted representations at Annexures A-4 and A-5 highlighting his conditions, but no action is seen to have been taken on his representations. Annexure A-8 order passed by the second respondent without adverting to Annexures A-4 and A-5 is grossly illegal and liable to be interfered with in so far as it affects his transfer to Nedumkandam. He has specifically mentioned in his representations that he is willing to forego the promotion granted to him as Telecom Mechanic.


3. The respondents in their reply statement submitted that as per clause 10 of High Range Transfer Policy, the applicant is not found eligible for exemption from transfer to High Range areas. His case was considered by the Scrutiny Committee. As his case did not come within the purview of the above exemption clause, his case was not recommended. High Range



Transfer Policy was formulated to get sufficient staff to be posted to the difficult, unpopular and hard areas in High Ranges. Annexure A-8 transfer order was issued to transfer back those officials who were transferred to high range areas last year and completed their tenure. The hardships highlighted by the applicant are not sufficient reasons to attract the provisions of the exemption clause in the transfer policy guidelines. The applicant is holding a transferable post and none of his legal rights have been violated while transferring him to Nedumkandam, which is issued purely in the interest of service.

4. I have heard Mr. Pratap for Mr. P. Ramakrishnan, learned counsel for the applicant and Mr. George Kuruvilla, learned counsel appearing for the respondents and perused the records.

5. The readiness of the applicant to forego his promotion cannot be taken at face value as he had asked for increment with effect from 2004. He has already joined Nedumkandam on 15.06.2013. After completion of one year, he will be eligible for a posting to the place. As per High Range Transfer Policy, he is not eligible for any exemption. The applicant has not challenged the High range Transfer Policy. His case was considered by the Scrutiny Committee and was found ineligible for any exemption. Proper staffing is necessary in difficult areas for providing required service to customers residing there. The applicant was transferred along with more than 100 officials. Transfer is an incidence of service. No legal right of the applicant is violated. The transfer order made by the competent authority is not vitiated by malafides. The transfer of the applicant is purely in the interest of service. I



do not find any reason to interfere with the impugned transfer order. Annexures A-4 and A-5 representations could have been replied to by the respondents. Now that the applicant has joined his post at Nedumkandam, I do not find any reason to give a direction to the respondents to consider his representations at this point of time.

6. Having no merit, the O.A is dismissed.

(Dated, the 31st October, 2013)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

cvr.