

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 541 of 2010

Friday, this the 25th day of June, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member

C.M. Visalakshi, aged 55 years, W/o. P. Rajan, Sub Divisional Engineer/NSS/MSC, Bharat Sanchar Nigam Ltd, Telecom Bhavan, Medical College P.O., Trivandrum, Residing at : TC 23/513, Chinna Chalai Street, KNRWA-59, Chala. P.O., Trivandrum-36. **Applicant**

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. The Chairman and Managing Director, Bharat Sanchar Nigam Ltd. (BSNL), Corporate Office, New Delhi.
2. The Chief General Manager, (Telecom), Bharat Sanchar Nigam Ltd, Kerala Circle, Trivandrum.
3. The General Manager, (Telecom), Telecom Division, BSNL, Kannur.
4. Shri Babu P, Junior Telecom Officer/BSNL, Secondary Switching Area, Kannur-through, The General Manager (Telecom), BSNL, Kannur. **Respondents**

(By Advocate – Mr. Pradeep Krishna)

This application having been heard on 25.6.2010, the Tribunal on the same day delivered the following:

ORDER

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


The applicant has filed this Original Application against Annexure A-3 transfer order. The case now set up by the applicant is that actually the transfer is not motivated by any administrative exigency or exigency of public interest but to accommodate the 4th respondent and if so, the transfer

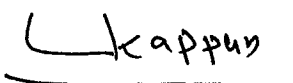


order is biased and it causes irreparable loss and injustice to the applicant. Further the applicant submits that her mother in law is aged 80 years and she is in continuous treatment at Trivandrum and her husband was in the State Government service. If the transfer is effected, it will affect her family life. Further the counsel for the applicant submits that this transfer is not on the basis of any longest stay. Hence, this Tribunal may interfere in the matter and the order of transfer may be stayed or cancelled. The applicant also filed a representation narrating her difficulties. That was not considered.

2. We have heard counsel appearing for the applicant Mr. T.C. Govindaswamy and Mr. Pradeep Krishna counsel appearing for the respondents on receipt of a copy of the OA and we have also perused the documents produced along with the Original Application especially Annexure A-4 transfer guidelines. On going through the transfer guidelines and the averments contained in the Original Application, we are of the view that the applicant has not made out a case at all. Transfer is an incident of service. Hence, it is only appropriate for the applicant to follow the guidelines and to accept the transfer now ordered by the respondents.

3. In the above circumstances, we feel that the Original Application fails and it stands dismissed.


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER
"SA"


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER