

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 56/91 /1000

DATE OF DECISION: 12.7.91

.M. Devayani.....Applicant

.M/s. N. Sugathan, J.K.M. Paulose &....Advocate for applicant  
& A.V. Ramakrishna Panicker

.The Chairman, Telecom. Commission....Respondents  
New Delhi & others

.Matheu J. Nedumpara for R.1&2 .....Advocate for  
G. Sasidharan Chempazhanthiyl for R.3 Respondents  
B. Raghunathan for R.4

CORAM:

The Hon'ble Shri N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

The Hon'ble Shri N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? Y
2. To be referred to the Reporter or not? W
3. Whether their Lordships wish to see the fair copy of the Judgment? W
4. To be circulated to all Benches of the Tribunal? W

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

This case is heard along with O.A. 1058/90 on consent of parties since the question of law, facts and reliefs prayed for in both cases are identical in nature.

2. We have considered the matter in detail in our judgment in O.A. 1058/90 and that decision need only be followed in this case and dispose of it with

same directions. Accordingly, we follow the judgment in O.A. 1058/90 in this case and dispose of the case with the following directions:


- a) The impugned order, in so far as it transfers the applicant on promotion to TES Group-B from Kerala Circle to another Circle, is quashed. The Respondents will be at liberty to fill <sup>up</sup> the vacancy so caused in the other Circle in any manner they like and in such an event, the applicant will not have any claim against that appointee for seniority or other benefits;
- b) The Respondents are directed to consider posting the applicant in a Group B post in Kerala Circle itself within a period of one year from the date of this order;
- c) In making such posting, the Respondents shall consider the case of the applicant along with other similarly placed persons who have also filed similar applications as also 18 Group-B officers mentioned in Annexure-I to the Statement dated 29th May, 1991 filed by the Respondents, working outside Kerala who have requested for a transfer to Kerala Circle and consider their posting in Kerala Circle on the same principles as have been adopted in the Annexure-III order;

- d) Postings of other persons to TES Group-B posts in Kerala Circle may be considered after exhausting the posting of the applicants and others referred to in (c) supra;
- e) If the applicant does not get a posting on a Group B post in Kerala Circle on the above terms within one year from today, the promotion granted to him by Annexure-III order will automatically stand cancelled on the expiry of one year from today and thereafter, his case for promotion will be considered along with others who are eligible to be considered for promotion to TES Group-B vacancies that may arise thereafter.

3. The Original Application is disposed of with the above directions without any order as to costs. A copy of judgment in O.A. 1058/90 is enclosed for reference.

  
(N. DHARMADAN)  
JUDICIAL MEMBER

12.7.91

  
(N. V. KRISHNAN)  
ADMINISTRATIVE MEMBER

KMN