

CORAM:

HON'BLE SMT. SATHI NAIR, VICE CHAIRMAN
HON'BLE SHRI GEORGE PARACKEN, MEMBER(J)

M.Saifudheen Khan
Assistant Engineer(Electrical),
Postal Electrical Sub Division,
Trivandrum-695 015.
By Advocate Mr.M.R.Hariraj

... Applicant

V/s.

1. Union of India,
represented by the Secretary to Government,
Ministry of Communications,
Department of Posts(Civil Wing) Dak Bhavan,
New Delhi.
2. Chief Engineer (Civil),North Zone,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi.
3. Deputy Director general(Estates),
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi.
4. The Executive Engineer,
Postal Electrical Circle,
Bangalore.
5. The Chief Post Master General,
Department of Posts, Kerala Circle,
Trivandrum – 695 033.
6. Bharat Sanchar Nigam Limited,
represented by the Chairman and
Managing Director, BSNL,
Corporate Office, New Delhi-110 001.
7. Deputy Director General(Electrical),
Department of Telecom,
1110, Sanchar Bhavan, 20 Asoka Road,
New Delhi-1.

... Respondents

By Advocate Shri S.Abhilash (R 1 to R-5)
Shri Nagaresh (R-6)

This OA having been heard on 1st September, 2006, the Tribunal on the same day delivered the following:-

(ORDER)

Hon'ble Smt.Sathi Nair, Vice Chairman

The applicant joined the Department of Post and Telegraphs and on bifurcation of the same, he was appointed to the Telecom Department. While working in the Telecom Department as an Assistant Engineer(Electrical), the Department of Telecom was converted into BSNL Corporation and the applicant was placed on deemed deputation w.e.f. 1/10/2000 in the BSNL. The applicant ~~who is~~ continued to be on deputation since 2000. By Annexure A-2 dated 18/7/2002, the applicant was transferred to the Postal Department in the grade of Assistant Engineer and he has been continuing since then. Meanwhile, considering the option given by the applicant earlier, for absorption in BSNL, Annexure A-4 order dated 23/2/2004 absorbing the applicant in BSNL was issued against which the applicant submitted the Annexure A-5 and A-8 representations dated 7/4/2006 and 12/4/2006 to the Department of Posts requesting them to retain him in the Postal Department. Since the applicant's case was not being considered, the applicant approached this Tribunal in OA-355/2006 in which the Department of Posts had been impleaded as Respondents 1-5 and Department of Communications as Respondent 6. The Tribunal disposed of the same directing the respondents to consider the representation of the applicant within a period of one month from the date of receipt of the said order. Now the Ministry of

Communication 6th respondent vide order dated 31/7/2006(Annexure A-12) has disposed of the representation in compliance of the order of the Tribunal in OA-355/06. The applicant is aggrieved that the Appropriate Authority i.e. the Postal Department has not considered the issue. Now by this OA, the applicant seeks a direction to the respondents to consider his case for continuance in the Postal Department and to quash the orders dated 23/2/2004, 7/4/2006 and 31/7/2006.

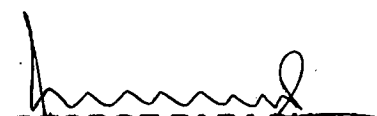
Since the representation at Annexure A-5 is still pending, the learned counsel for the applicant stated that he would be satisfied with a direction to the respondents to consider and dispose of the same and that he is willing to submit a supplementary representation in this regard concerning all the points.

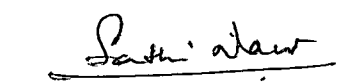
Shri S.Abhilash takes notice on behalf of respondents 1-5.

Shri Nagaresh takes notice on behalf of respondent no.6.

We are accordingly disposing of the OA at the admission stage itself by permitting the applicant to submit a supplementary representation within a period of two weeks from today to respondent no.1 and on receipt of such a representation, the first respondent shall consider the case of the applicant and pass a speaking order within a period of two months.

Statusquo as regards the posting of the applicant shall be maintained as on today till the disposal of the representation.


GEORGE PARACKEN
JUDICIAL MEMBER
abp


SATHI NAIR
VICE CHAIRMAN