

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.139/2002

Wednesday this the 27th day of March, 2002

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HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

C.V.Vijayan,
Senior Telecom Office Assistant (Phones)
Remote Switching Unit Exchange,
Ayyanthole.Applicant

(By Advocate Mr. P.S.Divakaran)

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1. Union of India, represented by
the Secretary, Department of Telecommunications,
New Delhi.
2. General Manager,
Telecom (BSNL)
Trichur.
3. Sub Divisional Engineer,
RSU/2, Poonkunnam,
Trichur-2.
4. Smt. Rosily Thomas
Junior Telecom Officer,
RSU Exchange,
Ayyanthole, Trichur.Respondents

(By Advocate Mr. C.Rajendran, SCGSC (for R.1to3)

The application having been heard on 27.3.2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant in this case is Senior Telecom
Operating Assistant (Phones) at Ayyanthole, Trichur. He is
aggrieved by Annexure.A1 order of the Sub Divisional
Engineer, Telephone Exchange, Poonkunnam (third respondent)
relieving him in pursuance of the order contained in GMT.
Trichur Memo No.STA/216-10/2001-2002/34 dated 28.1.2002 with
instructions to report to SDE, Thottippal for further

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duties. It would appear that the applicant was on Earned Leave for nineteen days from 14.1.2001 and that he was transferred by proceedings dated 28.1.02 as per R.1 filed alongwith the reply statement. The said order was apparently sent to the applicant's known residential address and the same was returned 'unclaimed'. According to the applicant he was busy with the marriage of his daughter and he was unaware of any such transfer order or communication from the higher authorities having been served. The applicant would submit that he was not aware of the reason for the transfer and in any case the urgency for his relief from the post while on leave was not known. He was away only for nineteen days leave. The applicant suspects that the transfer order is motivated by malafides and personal animosity and grudge particularly by the 4th respondent. He has cited certain unpleasant instances leading to the 4th respondent developing a strong illwill towards him. It is also his case that certain irregularities to which the 4th respondent was a party were brought to the notice of the higher authorities, and that instead of taking any remedial action in that regard, the higher echelons turned against him and decided to transfer him out of Ayyanthole. Thottippal according to him, is a far flung place though in Trichur District. He was not due for a transfer though admittedly he was the seniormost by stay. The applicant prays for appropriate reliefs by setting aside Annexure.A1 order to the extent of transferring and posting the applicant from Ayyanthole RSU Exchange to Thottippal

Exchange, issuing a direction to the respondents 1 to 3 to permit the applicant to continue to work in Ayyanthole RSU Exchange until his retirement and issuing a direction to the first respondent to pass orders revoking the transfer and permitting the applicant to work as Sr.TOA in Ayyanthole RSU Exchange.

2. In the reply statement, the respondents have pointed out that the Thottippal Exchange has been recently commissioned and that it requires some experienced and efficient Senior Telecom Operating Assistant. The applicant being the senior to others by stay and was quite experienced was the natural choice. The imputation of malafides is totally misconceived. According to the respondents the applicant's antecedents were not unblemished either. The OA has no merit and is liable to be dismissed, the respondents would plead.

3. In the rejoinder, the applicant has virtually reiterated the main pleadings and emphasised his ground that the transfer is the outcome of personal illwill rather than administrative exigency.

4. On a consideration of the facts and circumstances involved in this case, I am of the view that the administrative procedure with regard to the applicant's transfer to Thottippal from Ayyanthole should have been handled with greater finesse. Apart from that, there is

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hardly anything to suggest that there was any personal animosity behind the transfer. There is no denying the fact that Thottippal is a newly commissioned Exchange and that it requires a competent and experienced Sr.Telcom Operating Assistant. The selection of the applicant for that post shows that, if anything, the respondents have reposed faith in the applicant with regard to his functional competence. Personal rubs and allegations of animosity are presumably normal incidents in any office where inter-personal relations are not handled with the required tact and objectivity. I therefore, do not consider the allegations on either side to be worthy of any further consideration. Transfer is a necessary incidence of service and the applicant's services are legitimately required in the nearby place where the new Exchange has been commissioned. In view of these facts I decline to interfere with the transfer order. The application having, no merit, is dismissed under Section 19(3)of the Administrative Tribunals Act. No costs.

Dated the 27th day of March, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order No.ESTB/RSU-II/TCR/PNKM/2001-2002/1 dt.30-1-02 issued from Sub Divisional Engineer's office to the applicant.
2. A-2 : True copy of the Memo No.E-1/RSU/PNKM/99-2K/1 dt.15.3.2000 issued from the 3rd respondent's Office.
3. A-3 : True copy of the reply given by the applicant to 2nd respondent.
4. A-4 : True copy of course certificate dt.13.7.2000 issued by the Circle Telecommunication Training Centre Kerala Circle, Tvm.
5. A-5 : True copy of course certificate dt.28.9.2001 issued by Circle Telecommunication Training Centre Kerala Circle, Trivandrum.

Respondents' Annexures:

1. R-1 : True photocopy of transfer order No.STA/216-10/2002/34 dated 28-1-2002 issued by the 2nd respondent.
2. R-2 : True copy of Transfer order No.STA/216-10/2001/34 dt.23.1.02 issued by Dy.GM (A&C) O/O GM, Telecom BSNL, Thrissur.
3. R-2(a):True copy of postal cover in which the 3rd respondent sent the transfer order of the applicant to his home address.
