

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.15/98

Tuesday, this the 6th day of January, 1998.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI S.K.GHOSAL, ADMINISTRATIVE MEMBER

M.P.Singh,
Technician,
Chakkittappara, Telephone Exchange,
Kozhikode. ..Applicant

(By Advocate Mr.M.R.Rajendran Nair)

vs.

1. Chairman, Telecom Commission, New Delhi.
2. Director(Maintenance), Northern Telecom Region, Kidwadi Bhavan, New Delhi.
3. Chief General Manager, Telecom, Northern Telecom Region, Kidwadi Bhavan, New Delhi.
4. Chief General Manager, Telecom, Kerala Circle, Trivandrum.
5. Union of India, represented by Secretary to Government of India, Ministry of Communication, New Delhi. ..Respondents

(By Advocate Mr. George Joseph)

The Application having been heard on 6.1.98, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

While the applicant was working as a Technician in the Telecom Department at New Delhi he was arrested and detained by the CBI along with certain others on a criminal charge. He was placed under suspension as he had been detained in custody for over a period of 48 hours and thereafter revoking his suspension, he along with six others who were involved in the case were transferred to Kerala. This was in the year 1994. Finding it difficult to pull on in a place so distant from his native place,

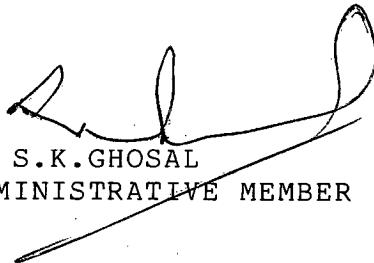
especially in the background of his family, the applicant has been going on making representations for a re-transfer but without success. All other persons transferred in connection with the same issue had been re-transferred accepting their representations, but the requests of the applicant made in his several representations have not been considered so far. The latest representation submitted by the applicant is on 22.12.97 in which the applicant has projected his difficulties. As the representations have not been disposed of so far, the applicant has filed this application for a declaration that his retention in Calicut even after two years of transfer to Kerala Circle on the ground of pendency of investigation is illegal and for a direction to the respondents to re-transfer the applicant to Delhi or in the alternative, for a direction to the first respondent to consider A-15 representation in the light of A-7 to A-11 orders passed in the case of persons identically situated.

2. When the application came up for hearing, learned counsel for respondents states that if the first respondent is directed to consider and dispose of A-15 representation in the light of the orders passed in the case of persons identically situated, he would pass an order within any time to be stipulated by the Tribunal. Learned counsel for the applicant states that the applicant would be satisfied if such a direction is given.

3. In the light of what is stated above, we dispose of this application with a direction to the first respondent to dispose of the representation submitted by the applicant

at A-15 taking into account the background of the case and the decision taken in the case of identically situated persons contained in A-7 to A-11 and to give the applicant a speaking order within a period of two months from the date of receipt of a copy of this order. With a view to avoid delay, the applicant may send a copy of this order to the 1st respondent along with copies of A-7 to A-11 and A-15. No order as to costs.

Dated the 6th January, 1998.


S.K.GHOSAL
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

njj/7.1.

LIST OF ANNEXURES

1. Annexure A7: Order dated 8-9-97 No.5JE-4006/96-97/61 issued by Assistant General Manager office of the General Manager, Telecom District, Calicut - 1.
2. Annexure A8: Order dated 23-5-97 No.5JE-4006/40 issued by Assistant General Manager (Administration) Office of the General Manager Telecom District, Calicut - 1.
3. Annexure A9: Order dated 6-9-96 No.20-47/95-NCG issued by Director(ST-II) Ministry of Communications, Department of Telecommunication, Sanchar Bhawan, New Delhi.
4. Annexure A10: Order dated 16-9-96 No.20-47/95 issued by Director General (ST-II) Office of the 5th respondent.
5. Annexure A11: Order No.20-59/96-NCG dated 8-8-96/Assistant Director General (ST-C) Office of the 5th respondent.
6. Annexure A15: Representation dated 22-12-97 submitted by the applicant to the 1st respondent.

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