

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

DATED FRIDAY THE THIRTY FIRST MARCH NINETEEN
HUNDRED AND EIGHTY NINE

PRESENT

Hon'ble Shri N.V. Krishnan, Administrative Member

ORIGINAL APPLICATION No.184/89

V.K. Sreerema

...Applicant

Vs.

1. The General Manager (Telecom)
Kerala Circle, Trivandrum.
2. Telecom District Engineer,
Telegraphs, Cannanore.
3. Assistant Engineer, Indian
Cross Bar Project, Maintenance,
Tellicherry.
4. Union of India represented by the
Secretary, Ministry of Communica-
tions, New Delhi.

...Respondents

M/s. MK Damodaran, CT Ravi Kumar
and KS Saira

...Counsel for the
applicant

Mr. P.V. Madhavan Nambiar SCGSC

...Counsel for the
respondents

O R D E R

In this application, the applicant has stated that
her husband who is in Kuwait since last seven years has
at least managed to arrange a visiting Visa for her and her

two children. In accordance with the Visa given to the applicant, she and her two children have to leave India by 7th April 1989. As the Visa is valid upto ^{the 11th} 26th ~~March~~ 1989, she has to return before that date.

It is stated that the respondents have not either granted her leave nor a No Objection Certificate.

2. A perusal of the reply filed on behalf of the respondents shows that a departmental enquiry has been initiated against certain employees of the department at Tellicherry where the applicant was posted till recently. It is also stated that there are sufficient grounds to initiate such proceedings against the applicant also. However, for certain other considerations, the respondents have refrained themselves from taking such action, instead, she was transferred from Tellicherry to Calicut where she has reported for duty on 25th March 1989. In reply to my query, counsel for the respondents admitted that ~~they respondents~~ they have no apprehension that the applicant would desert her job by staying away at Kuwait to avoid facing a departmental enquiry, if one is initiated against her. The special reason for which she was transferred to Calicut is indicated to be the commissioning of a 5000 lines Exchange at Calicut in February, 1989. The performance of the Exchange requires close observation and corrective action, when necessary. It is stated that the department could not attach even the barest minimum

Junior Technical Officers for appropriate maintenance of this new Exchange. It is mainly for this reason that neither the leave nor the No Objection Certificate has been given to her. This is in addition to her presence being needed in connection with the departmental enquiry. It is further stated that she was granted leave for 15 days as recently as 26th November 1988.

3. I have heard the learned counsel^u of both sides. It is necessary to strike^y a balance between administrative interest and personal convenience of an employee in such situations. Further, it will be conducive to better personnel management if, a somewhat humane approach animates the decision in this regard.

4. It is true that the new Exchange has been commissioned in Calicut and it is of utmost importance to ensure its functioning properly. The learned counsel for the applicant after ascertaining from the applicant herself, who is in the Court, avers that besides her, there are nine other similar persons posted in the Exchange. The learned counsel for the respondents pleaded that he has no information in this aspect and if needed, the information will have to be called for from Trivandrum.

5. I can certainly take notice of the fact that the Department of Telecommunications is a vast organisation and that, if needed, it should not be difficult to obtain the

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the service of an official who can replace the applicant.

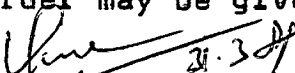
This conclusion does not require any elaborate enquiry.

6. Having said so much, it is also necessary to ensure that the dislocation of work is reduced to the barest minimum. It is necessary to ensure that the applicant ~~who would have been gained some experience~~ ^ℓ who would have ^ℓ been gained some experience in the new Exchange returns to Calicut as early as possible in the administrative interest.

7. Taking note of all these factors, the respondents ^{are ℓ} 1 and 2, as may be concerned, is directed to give her leave from 7th of April 1989 to 7th of May 1989 and also issue the necessary No Objection Certificate. It needs no emphasis that the application is being allowed in special circumstances and therefore the applicant is also directed to be back in the Country within the stipulated period.

8. The learned counsel for the respondent envisages the possibility of posting a substitute in her place at Calicut. It is clarified that, in that circumstance, the respondents will be at liberty to post her, on return, if so required, to any place other than Calicut according to their administrative interest.

Copy of this order may be given, by hand to both parties.


(N.V. Krishnan)
Administrative Member
31.3.1989