

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 195 of 2011

Thursday, this the 22nd day of March, 2012

CORAM:

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K. Kaladharan,
S/o. Late M. Krishnan
JTO (G), Coyalmannam,
O/o SDE Coyalmannam,
Telephone Exchange, Coyalmannam.
Residing at Ambad House,
Pallenchathanur (P.O), Palakkad District. - Applicant.

(By Advocate Mr. V. Sajith Kumar)

Versus

1. The Bharath Sanchar Nigam Limited,
Represented by its Chairman & Managing Director,
New Delhi – 110 001.
2. The Chief General Manager,
Bharath Sanchar Nigam Limited,
Trivandrum – 695 033.
3. The Principal General Manager,
Telecom, BSNL Bhavan,
Palghat – 678 001.
4. The Principal General Manager,
Telecom, BSNL Bhavan,
Kannur – 670 001. - Respondents.

(By Advocate Mr. V. Santharam)

This application having been heard on 08.03.2012, the Tribunal on ..22-03-12 delivered the following:

ORDER

By HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant in this Original Application working as JTO at Coyalmannam, Palghat is aggrieved by his transfer to Uppala, Kasargod.

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2 According to the applicant, he has got hardly 4 years for retirement. As per transfer guidelines, upto STS level, the transfer of Officers involving change of station would normally be avoided after 56 years for inter circle transfer and after 57 years for intra circle transfers. For intra circle transfer, the long stay is to be calculated with effect from the date of promotion to the JTO category and total service in other transfers. The transfer of the applicant is merely based on long stay at Palghat. It would dislocate his family and cause him hardship in many ways. He has represented to reconsider his transfer vide letter dated 04.03.2011 at Annexure A-4. As per clarification dated 07.03.2011 at Annexure A-5, mass transfers on account of long stay is discouraged.

3 The respondents opposed the Original Application on the ground that the applicant's post is a transferable post. Transfer is an incidence of service. There is no allegation either of violation of rules or discrimination. The present transfer is not penal in nature. The transfer of the applicant is only intra circle within the State of Kerala. It is made in the interest of administration to balance the shortage of JTOs in the SSAs of the Circle. The applicant has already completed 28.4 years of service at Palghat. The transfer order is issued in full compliance of the transfer guidelines.

4 Heard Mr. V. Sajith Kumar, learned counsel for the applicant and Mr. V. Santharam learned counsel for the respondents and perused the records.

5 Transfer is an incidence of service. After 28.4 years of long stay at a particular place, if the applicant is given an intra circle transfer in the interest of administration, following the guidelines of transfer, there should not be normally any ground for genuine grievance. Even so, if the applicant has got personal problems meriting consideration, it is only fair that it should be considered by



the respondents objectively. The representation of the applicant dated 04.03.2011 at Annexure A-4 against his transfer has not been replied to. If the applicant is not already relieved, he should not be relieved till his representation is considered on merit by the 2nd respondent and the decision thereon is communicated to the applicant by a speaking order within a period of two months from the date of receipt of a copy of this order.

6 O.A is disposed of as above with no order as to costs.

(Dated, the 22nd March, 2010)



**K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER**

cvt.