

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 210/93

~~F. A. No.~~

~~100~~

DATE OF DECISION 2.4.93

P.I.Thankachan, Haripad. Applicant (s)

Mr. MR Rajendran Nair Advocate for the Applicant (s)

Versus

The Chairman, Telecom Commi-  
ssion, Sanchari Bhavan, Respondent (s)  
20 Ashok Road, New Delhi-1.

Mr. GCP Tharakan, SCGSC (R 1-2) Advocate for the Respondent (s)  
Mr. VB Unniraj (R 3)

CORAM :

The Hon'ble Mr. SP MUKERJI

VICE CHAIRMAN

The Hon'ble Mr. AV HARIDASAN

JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

SHRI SP MUKERJI, HON'BLE VICE CHAIRMAN

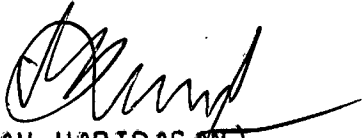
In this application dated 2.2.93 the applicant who has been working as Assistant Engineer, Micro Wave Station, Haripad, has challenged the transfer of the 3rd respondent to Ernakulam and has prayed that the respondents 1 & 2 be directed to consider the applicant's earlier request for posting to Ernakulam or in any other nearby station. On 3.2.93 we admitted this application and directed that the status quo regarding the filling up of the vacancy of Assistant Engineer at Ernakulam be maintained. It appears that before the interim order could be communicated to the respondents, the 3rd respondent had already joined the post at Ernakulam. The learned counsel for the applicant thinks that R.3 was

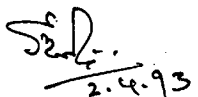
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allowed to join later on pre-dated date to frustrate the <sup>implementation</sup> ~~effects~~ of the Interim Order. Be that as it may, when the case came up for hearing today, the learned counsel for the applicant fairly agreed that the application may be closed at least with the directions to the respondents 1 & 2 to honour the seniority of the applicant for transfer to Ernakulam and to post him at Ernakulam or in any other nearby place on the basis of the assurance given to him at Annexure-III. The learned counsel for the applicant stated at the Bar that <sup>in</sup> the seniority of the Registration for transfer to Ernakulam, <sup>has</sup> ~~when~~ the applicant <sup>is</sup> ~~as~~ in the topmost seniority of registration for transfer to Ernakulam, that he has been deprived of <sup>his</sup> ~~this~~ right by the transfer of R.3. and that for the next available vacancy, he is fully entitled on the basis of the seniority of registration.

2. On the basis of the above averments and request made by the learned counsel for the applicant and considering that this is a case of transfer which cannot be kept hanging, indefinitely, we allow the application only to the extent of directing the respondents 1 & 2 to post the applicant to Ernakulam or to any other nearby place on the basis of the assurance at Annexure III and based on his seniority of registration of request for transfer to Ernakulam against the next available vacancy in that area.

3. There will be no order as to costs.

  
(AV HARI DASAN)  
Judicial Member

  
2.4.93  
(SP MUKERJI)  
Vice Chairman

2.4.93