

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D. A. No. 217 of 1992

DATE OF DECISION 29-4-1992

Mr PS David _____ Applicant (s)

Mr MR Rajendran Nair _____ Advocate for the Applicant (s)
Versus

The Chief General Manager, Telecom, Kerala Circle, Trivandrum & 2 others Respondent (s)

Mr Mathews J Nedumpara, ACGSC Advocate for the Respondent (s)

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 ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

In this application, the applicant who is working as Lower Division Clerk in the Telecom Forms Dept, Ernakulam has challenged the impugned order dated 20.11.1992 at Annexure-I by which his representation to be transferred to the office of General Manager, Telecom at Ernakulam has been rejected. The applicant is a native of Alwaye but he is a physically handicapped person because of bilateral degenerative arthritis and congenital deformity. It appears that he was earlier posted in Delhi but the respondents, at his request got him transferred

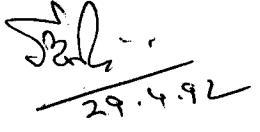
to Ernakulam near his native place at Alwaye. His representation to be transferred to the office of G.M., Ernakulam could not be accepted as there is no available post of LDC in that office. The respondents are fair enough to have stated in the counter affidavit that they will be prepared to post the applicant at his native place itself i.e. at Alwaye but it appears from the arguments heard by us, that the applicant would be interested in a posting at the GM's office at Ernakulam rather than at Alwaye. The ostensible reason given by the applicant is that at the GM's office, he will be able to enjoy 2 days off per week as that office observes 5 day week. The argument of the learned counsel for the applicant however, also is that in his present posting at Gandhi Nagar, Ernakulam, the applicant has to change bus which is very inconvenient to him. If that be so, the applicant should have ^{been} fully satisfied on the assurance of the respondents that he can be transferred to Alwaye which is his native place. The learned counsel for the applicant however, states that the applicant is not interested in that because he will be financially a loser at Alwaye than ^{at} Ernakulam.

2. Considering the facts and circumstances of the case, we are satisfied that the applicant has received from the respondents ^{accommodation} as much as he can deserve because of his physical infirmity. No

employee can have the liberty to pick and choose his posting
which will be ^{the} most beneficial to him on ^{all} counts including
financial. In the circumstances, we do not see any merit in
the application and dismiss the same.



(AV HARIDASAN)
JUDICIAL MEMBER



(SP MUKERJI)
VICE CHAIRMAN

29-4-1992

trs