

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.247/2001

Wednesday this the 14th day of March, 2001.

CORAM

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

S.Soubhagya Kumari
W/o B.K.Rajagopal
Sr. Telecom Office Assistant
Office of S.D.E, Phones, Haripad.
Residing at Vyppil Thekkethil,
Pothapally South, Kumarapuram P.O.
PIN-690 548.

Applicant.

[By advocate Mr.M.R.Rajendran Nair]

Versus

1. General Manager
Telecom Department(BSNL)
Alappuzha.
 2. Senior Divisional Engineer
Telecom (BSNL), Harippad.
 3. D.E.Telecom (BSNL), Harippad.
 4. Chief General Manager
Telecom (BSNL)
Kerala Circle, Trivandrum.
 5. Union of India represented by Secretary to
Government, Ministry of Communications
New Delhi.
- Respondents

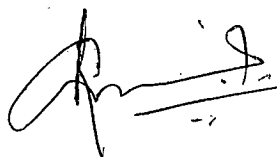
[By advocate Mr.P.Vijaykumar, ACGSC]

The application having been heard on 14th March, 2001,
the Tribunal on the same day delivered the following:

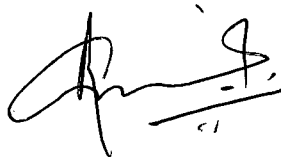
O R D E R

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

This application has been filed by the applicant who is working as Senior Telecom Office Assistant in the office of the S.D.E.(Sub Divisional Engineer), Phones, Harippad aggrieved by the inaction on the part of the 1st respondent in granting her regular transfer to Harippad on the basis of her seniority and the priority of transfer application, in spite of alleged existence of regular vacancies of TOA at Harippad.



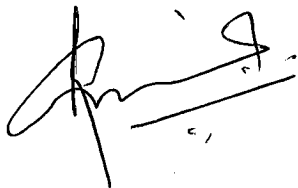
2. Applicant was appointed as Telecom Office Assistant on 26.10.82 at Alleppey. While working there, she submitted a representation to the 1st respondent dated 23.6.90 requesting that she may be transferred to Harippad when the new Sub Division was formed at Harippad. When the new Sub Division was formed in 1994, she again submitted a representation dated 20.3.95 to the 1st respondent to grant her transfer. When the request for transfer was not considered favourably, she again submitted a representation dated 20.10.98 noticing that another official was transferred to Harippad. Thereafter as per order dated 6.1.99 she was temporarily transferred to Harippad under Divisional Engineer, Telegraphs Division, Harippad for one year by A1 order. She joined there on 23.1.99. Thereafter she filed A2 representation dated 29.1.99 and A3 representation dated 20.12.2000 requesting for regular transfer and pointing out that another official Smt. K.B.Padmakumari, junior to her, was transferred to Harippad on permanent basis. In the meanwhile her temporary transfer was extended for a further period of one year with effect from 23.1.2000. Aggrieved that her regular transfer order had not been issued, she submitted A4 representation dated 13.2.2001 to the 1st respondent. A4 representation was forwarded by the 2nd respondent by A5 letter dated 13.2.2001 to the first respondent. Apprehending that she would be required to report back at Alleppey and the vacancy at Harippad would be filled up by transferring some other persons, she has filed this OA seeking the following reliefs:



- i) To declare that applicant is entitled to be transferred to Harippad on regular basis on the basis of her seniority and date of request, and to direct the 1st respondent to consider the request of the applicant favourably and issue appropriate orders at the earliest.
- ii) Direct the 1st respondent to allow the applicant to continue to work at Harippad till orders of her regular transfer are issued.
- iii) Grant such other reliefs as may be prayed for and the Court may deem fit to grant, and
- iv) Grant the cost of this Original Application.

2. When the OA was taken up on date for admission, learned counsel for the applicant after narrating what is stated as above in the OA submitted that the applicant would be satisfied if a direction is given to the 1st respondent to consider and dispose of A4 representation and pending disposal of the same she may not be disturbed from Harippad. Learned counsel for the respondents Sri Vijay Kumar submitted that there is no objection to such a course of action being adopted.

3. In the light of the submissions made by the learned counsel on both sides this Original Application is admitted and disposed of with the following directions:

A handwritten signature in black ink, appearing to be 'Sri Vijay Kumar', is written over a horizontal line. There are some small marks and a '1' below the line.

- (i) 1st respondent shall consider the applicant's representation dated 13.2.2001 at Annexure A4 and pass appropriate orders thereon as expeditiously as possible.
- (ii) Till such time A4 representation is disposed of the applicant shall not be disturbed from Harippad, and
- (iii) No costs.

Dated 14th March, 2001.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

Annexures referred to in this order:

- A1 True copy of the order No.E15/Trfr & Posting/98-99/115 dated 6.1.99 issued by the Assistant General Manager (Admn.) for 1st respondent to the applicant.
- A2 True copy of the representation dated 29.1.99 submitted by the applicant to the 1st respondent.
- A3 True copy of representation dated 20.12.2000 submitted by the applicant to the 1st respondent.
- A4 True copy of representation dated 13.2.2001 submitted by the applicant to the 1st respondent.
- A5 True copy of the letter No.E7/HPD/2000-01/21 dated 13.2.2001 issued by the Sub Divisional Engineer (Phones), Harippad.