

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.256/2002

Friday this the 12th day of April 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Surendran E.T.,
Empl. No.5139, Senior Telecom Operating
Assistant (General), Office of the SDOT, BSNL.
Quilandi-673 305. Applicant

(By Advocate Mr. Sasidharan Chempazhanthiyil)

Vs.

1. General Manager, Telecom, BSNL, Calicut.
2. General Manager, Telecom,
BSNL, Malappuram.
3. Chief General Manager, Telecom, BSNL,
Thiruvananthapuram.
4. Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 12th April 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant a Senior Telecom Operating Assistant
(General), in the office of the SDOT, BSNL, Quilandi has filed
this application for the following reliefs.

1. Call for the records and quash Annexure A1 in as much as
the applicant's name is included in it.
2. Direct the respondents to prepare a fresh list of
employees liable to be transferred to the new unit under
the 2nd respondent strictly according to the seniority in
the cadre of Sr. TOA (G) determined under Annexure A4.

3. Direct the first respondent to consider and pass orders on Annexure A2 and A3 and retain the applicant at Calicut SSA Unit till this is done.
4. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
5. Award the cost of these proceedings."

2. It is alleged in the application that going by the seniority, the applicant cannot be identified as junior to be transferred that he has submitted his representation pursuant to Annexure A-1 that he has made another representation, A-3 dated 28.3.02 wherein it has been pointed out that surplus Telephone Operators who are likely to be designated as Senior TOA/TOA also have to be considered before finalising the list for transfer and that for these reasons, the applicant is entitled to the reliefs as aforesaid.

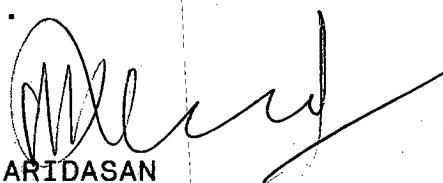
3. We have heard Shri Vishnu S.Chepazhanthiyil learned counsel for the applicant and Shri C.Rajendran, SCGSC learned counsel for the respondents and also have perused all the materials placed on record. We do not find any subsisting and legitimate grievance of the applicant which calls for admission of this O.A. The prayer to set aside A-1 cannot be entertained because A-1 is only a tentative list, giving opportunity to the incumbents concerned to point out discrepancy if any. Such a notice issued respecting the principles of natural justice cannot be interfered by the Tribunal. We cannot presume that the department would not act in accordance with the rules and against the norms. Therefore the prayers in sub para 2 & 3 of para 8 are also premature at this juncture.

(n)

4. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 12th April, 2002.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the list communicated by the 1st respondent vide No.SGP-2001/2000-02/53 dated 15.1.2002 (relevant portion)
2. A-2 : True copy of the representation dtd.30.1.2002 to the 1st respondent.
3. A-3 : True copy of the representation dtd.28.3.2002 to the 1st respondent.
4. A-4 : True copy of the Senior Telecom Optg. Assistant (Recruitment) Rules, 1996.

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19.4.02