

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 261 of 1998

Friday, this the 6th day of March, 1998

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. K. Chinnan,
Jeep Driver Grade-I,
Office of the Sub Divisional Officer,
Telecom, Palakkad. .. Applicant

By Advocate Mr. Shafik MA

Versus

1. The General Manager,
Telecommunications, Palakkad.
2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
3. The Deputy General Manager (Admn),
Office of the General Manager,
Telecom, Palakkad. .. Respondents

By Advocate Mr. Sunil Jose, ACGSC

The application having been heard on 6-3-1998, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A-1 order dated 2-12-97,
to declare that he is entitled to be granted a transfer as
per A-4 and also to direct the respondents to give effect
to A-4 transfer order dated 28-11-97.

2. The applicant joined in the respondent Department
during the year 1978 December as a Jeep Driver in Co-Axial
Project. After having worked at various places he is now
working as the seniormost Driver in the Palakkad Secondary

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Switching Area. The applicant says that as per norms prevailing in the Department the seniormost drivers are normally deputed to drive the Cars of the General Manager Telecom and the Deputy General Manager Telecom. The applicant is at present posted as Driver of the Mini Lorry under the control of the Sub Divisional Officer Telecom, Palakkad.

3. At the request of the applicant as per A-4 order dated 28-11-97 he was transferred and posted as Driver under Divisional Engineer Installation, Palakkad. The applicant was happy with that. But, subsequently as per the impugned order A-1 dated 2-12-97, A-4 order of transfer is cancelled. No reason is stated in A-1 for cancelling A-4. What is stated is only that it is so done as per instructions of Assistant General Manager (Admn). It is not known what sort of instructions were given by the Assistant General Manager (Admn) and for what reasons. It is quite evident from A-4 that the respondents had not only no objection for posting the applicant as Driver under Divisional Engineer Installation, Palakkad, but it was also done. So, it can be taken that the request made by him was only reasonable and was accepted by the respondent Department. That being the position, there should be reasonable ground for cancelling that order. The learned counsel appearing for respondents submitted that the Department was expecting the arrival of some other driver under Rule 38 transfer and so far that incumbent has not joined at Palakkad. Even if it is so, how does it alter the situation is not known. The incumbent coming on transfer can very well be posted as Driver of the Mini Lorry. It is submitted by both sides that

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at present the vehicle of the Divisional Engineer Installation, Palakkad is driven by a Driver engaged on daily wages. The daily wages Driver can very well be used for driving the Mini Lorry and we do not find any reason for cancelling A-4 order.

4. The case of the applicant that he was appointed as a Jeep Driver and he is the seniormost Driver in Palakkad Secondary Switching Area is not disputed by the learned counsel for respondents. That being so, A-1 order is liable to be quashed.

5. Accordingly, the original application is allowed quashing A-1 order dated 2-12-1997 and directing the respondents to give effect to A-4 transfer order dated 28-11-1997 relating to the applicant. This shall be done immediately. No costs.

Dated the 6th of March, 1998



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES

1. Annexure A1: Memo No.ST/DVR/38 dated 2.12.1997
issued by the first respondent.
2. Annexure A4: Memo No.ST/DVR/36 dated 28.11.1997
issued by the 2nd respondent.

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