

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 267 of 1998

Monday, this the 27th day of April, 1998

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. M. Asokan,  
Regular Mazdoor, Telephone Exchange,  
Parippally, Quilon District,  
Now works as Regular Mazdoor,  
Telephone Exchange, Parippally. .. Applicant

By Advocate Mr. K Jagadisachandran Nair

Versus

1. General Manager, Telecom District,  
Kollam - 691001
2. Deputy General Manager,  
Telephones, Kollam.
3. Assistant General Manager  
(Administrative), Telecom District,  
Kollam.
4. Sub Divisional Exchange, Telecom,  
Parayur, Kollam.
5. Junior Telecom Office,  
Telephone Exchange,  
Parippally, Kollam. .. Respondents

By Advocate Mr. Mathews J Nedumpara

The application having been heard on 27-4-1998, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, while working as Regular Mazdoor,  
Telephone Exchange, Parippally, made a request on 12-12-97  
for transfer as Telecom lineman for the Railways at Varkala.  
His request was acceded to and by A-1 memo dated 18-12-97  
he was transferred to Railway Section, Varkala under SDOT,  
Kollam with immediate effect. In the meanwhile, the  
applicant thought that the transfer as Telecom lineman,  
Varkala was detrimental to his interests. He requested for

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a reconsideration of the issue and retention at Parippally by letter dated 31-12-97 (A-II). Since this was not agreed to by the respondents, the applicant has filed this application for setting aside the impugned order A-1 dated 18-12-97 and for a direction to the respondents to consider the application for leave submitted by him from 1-1-98 to 17-2-98. He has also prayed for a direction to the respondents to draw and disburse his salary from 1-1-98 without delay. The application for leave happened to be filed by the applicant as he failed to carry out the order of transfer and therefore the applicant has applied for leave on medical grounds.

2. Respondents in their reply statement have expressed inability to cancel the impugned order of transfer on the ground that the applicant has already been relieved from Parippally and at the moment there is no vacancy to accommodate him at Parippally. Regarding the grant of leave the respondents contend that since the applicant has already been relieved from Parippally he has to report for duty at Varkala and that his leave application would be considered at Varkala.

3. When the application came up for hearing today, the learned counsel for the applicant stated that the applicant would carry out the order of transfer immediately and would join duty at Varkala and submit a leave application for the period of his absence, which the respondents may be directed to consider and grant. He also submitted that if the applicant makes a representation for a transfer back to Parippally and if it is administratively feasible, the respondents may be directed to consider that also. Learned

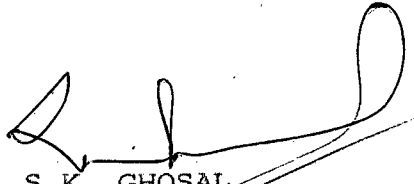
counsel for the respondents fairly conceded that the respondents would have no objection in disposing of the application with such directions as suggested by the counsel for the applicant.

4. In the result, the application is disposed of with the following directions:

- (a) The applicant shall report for duty as Telecom lineman, Railway Section, Varkala within a week from today.
- (b) On joining duty at Varkala the applicant may make an application for leave of his absence, which the competent authority shall consider sympathetically and grant if otherwise not impermissible.
- (c) The applicant may submit a request for transfer back to Parippally or for a posting to any other place of his choice, which shall be considered by the competent authority sympathetically within the administrative feasibility and take appropriate decision.

5. There shall be no order as to costs.

Dated the 27th of April, 1998

  
S.K. GHOSAL  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure AI: No. STE-25/RMS/R-38 Trfr/97-98/89 issued by the Assistant General Manager to the applicant.
2. Annexure AII: Representation by applicant sent through proper channel to Deputy General Manager, Telephones, Kollam dated 31.12.97.

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