

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.355/10

Friday this the 30th day of April 2010

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

Joseph P.A.,
S/o.late Antony,
Pathikulangara House,
Velichennaparambu Lane,
Thannikkal, Elamakkara, Kaloor, Ernakulam District.
Telephone Mechanic, Palarivattom External,
BSNL North Sub Division, Ernakulam.

...Applicant

(By Advocate Mr.K.T.Shyamkumar)

V e r s u s

1. The Principal General Manager,
BSNL, Ernakulam – 682 017.
2. Sub Divisional Engineer,
External North, Telephone Exchange,
BSNL, Palarivattom, Ernakulam.
3. Sri.Zakkeer Husain,
Telecom Mechanic,
External South, Telephone Exchange,
BSNL, Palarivattom, Ernakulam.

...Respondents

(By Advocate Mr.George Kuruvilla)

This application having been heard on 30th April 2010 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the Annexure A-1 order dated 21.4.2010 to the extent that he has been transferred from Palarivattom External North Sub Division to Elappally Telephone Exchange. He has averred that the aforesaid order is in total violation of the Transfer Policy

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dated 7.5.2008 in as much as that the respondents have violated Rule 13 (iii) and Rule 13 (iv) of Section D of the aforesaid Transfer Policy which read as under :-

“(iii) Generally, transfer of employees who are more than 55 years of age as on 31st March of that financial year would be avoided for posting to tenure stations. Employees of 56 years or more (as on 31st March of the particular financial year) shall normally be exempted from transfers involving change of station. However, they can be rotated on the basis of seat/section tenure at the same station.

(iv) For transfer from urban to rural/unpopular stations identified as tenure station within a Circle/SSA, tenure period shall be two years. Competent authority for notifying unpopular stations for the purpose of tenure shall be the concerned Head of Circle. For effecting transfers from urban to such tenure stations, system of calling volunteers would be adopted and in the event of not getting adequate volunteers, employees of the cadre having longest stay at the station shall be transferred. Such transferred employees shall be eligible for choice posting at urban station on completion of the tenure, if necessary, by transferring out other employees with longest stay at the urban station. Posting of unwilling female employees to such tenure stations would be avoided. Persons posted at tenure stations may be allowed to continue even beyond two years tenure if they so volunteer. However, they would be subjected to the prevailing tenure limits.”

2. According to the applicant, he is nearing 55 years of age and the 3rd respondent, Shri.Zakkeer Husain who is having the longest stay in the station has not been included in the Annexure A-1 transfer list.

3. On receipt of the aforesaid Annexure A-1 transfer order, the applicant has made the Annexure A-3 representation dated 26.4.2010 explaining the above position. The same is yet to be considered and disposed of.



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4. Shri.George Kuruvilla has appeared for the respondents on receipt of advance copy of the OA.

5. In my considered view, this OA can be disposed of at the admission stage itself by directing the 1st respondent, namely, the Principal General Manager, BSNL, Ernakulam to consider the aforesaid Annexure A-3 representation of the applicant and to take a decision in the matter at the earliest and communicate the same to the applicant with a copy to the 3rd respondent also. I order accordingly. Till such time, the applicant's transfer from Palarivattom External North Sub Division to Elappally Telephone Exchange shall not be given effect to and he shall not be relieved from the present place of posting.

6. With the aforesaid directions, this OA is disposed of. There shall be no order as to costs.

(Dated this the 30th day of April 2010)


GEORGE PARACKEN
JUDICIAL MEMBER

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