

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.374/2001

Wednesday this the 25th day of April, 2001

CORAM

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

P.K.Salim Babu,
S/o M.P.Pookunhi,
Sub Divisional Engineer (Officiating)
Microwave Station,
Kalpetta.

...Applicant

(By Advocate Mr.P.Chandrasekhar)

V.

1. The Union of India, represented by Secretary to Government of India, Ministry of Communications, Department of Telecommunications, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Southern Telecom Region, Bharat Sanchar Nigam Limited, Chennai.1.
3. The Chief General Manager, Bharat Sanchar Nigam Limited, Kerala Telecom Circle, Thiruvananthapuram.
4. The Deputy General Manager, Office of the Chief General Manager Maintenance, Bharat Sanchar Nigam Limited, Southern Telecom Region Chennai.1.

..Respondents

(By Advocate Ms.P.Vani, ACGSC)

The application having been heard on 25.4.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant recruited as J.T.O. in the year 1989 was allotted to Southern Telecom Region (STR for short) with effect from 11.3.91. However he is officiating presently as Sub Divisional Engineer, Microwave Station, Kalpetta in Kerala. He had made a

contd...

request on 23.12.99 to the second respondent for a transfer to Kerala Circle so that he would get the benefit of officiating promotion there. As the representation was not considered and disposed of, he filed OA 19/01 which was disposed of on agreement by the parties by order dated 5.1.01 directing the second respondent to consider the representation and to give the applicant an appropriate reply within two months. In obedience to the above direction, the second respondent has issued the impugned order (A3) dated 20.2.01 by which the applicant was told that his grievances of not getting officiating promotion would be redressed by giving him an officiating chance in STR itself and that his request for transfer to Kerala Circle had been sent to the Kerala Circle and it was informed that the Kerala Circle would consider his request for transfer at the appropriate time. Aggrieved the applicant has filed this application. It is alleged in the application that one Vijayan, who is junior to the applicant in service having joined in the year 1994, has been transferred to Kerala Circle from STR in February, 2001 and that the action on the part of the respondents in not giving the applicant a transfer in due turn is arbitrary and irrational. The applicant has therefore, sought to set aside Annexure A3 and for a direction to the respondents to transfer the applicant to Kerala Circle forthwith and to grant him suitable posting in accordance with his seniority and experience.

2. Giving the facts disclosed in the application and
contd....

the annexures appended thereto our anxious consideration and on hearing the learned counsel of the applicant, we do not find any infirmity in the impugned order. The applicant has in his representation (A.1) requested the second respondent to redress his grievances of not being able to get officiating promotion and also a posting in Kerala Circle. By the impugned order the applicant has been told that his grievances regarding not being able to get officiating promotion in a higher post would now be redressed by giving him officiating chance in STR itself and that his transfer to Kerala Circle would be made at the appropriate time as has been informed by the Kerala Circle only if vacancy is available and depending on various other administrative constraints.

3. The applicant has not made clear in the application as to what is the point of time when Shri vijayan requested for transfer and what is the point of time when the applicant has requested for transfer. Therefore, to say that by giving a transfer to Vijayan and not considering his case is arbitrary and discriminatory is not tenable. Even if Vijayan who is junior has been given a transfer, ^{by} ~~that~~ is not as if the competent authority has no flexibility in the matter at all. Depending upon the administrative constraints and personal problems, the competent authority may decide to give transfer and postings.

contd....

a

4. We do not find in this case any legitimate cause of action of the applicant which calls for redressal. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated the 25th day of April, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

List of annexures referred to:

Annexure.A1:True photocopy of the petition dated 23.12.99 from the applicant to the 2nd respondent.

Annexure.A3: True photocopy of the impugned order No.CGM/E-3/2/KL/II/122 dated 20.2.2001 passed by the 4th respondent to the applicant.

....