

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 388 199 3

DATE OF DECISION 23.3.93

G. Sasidharan Applicant (s)

Mr. M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

The General Manager, Telecom. Respondent (s)
Trivandrum

Mr. S. Krishnamoorthy ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement to
4. To be circulated to all Benches of the Tribunal ? No

JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicant is at present working as a Telephone Operator at the Telephone Exchange, Varkala. He is aggrieved by the refusal of the respondent to consider his claim for a Rule 38 transfer(P&T Manual) to Attingal in preference to his junior.

2. According to the applicant, he commenced service as a Lineman on 3.7.74 and was promoted as Telephone Operator w.e.f. 3.10.78 and posted in the Karnataka Circle. He came over to Kerala in 1982 after obtaining a transfer under Rule 38 of the P & T Manual, and posted at Punalur. He submitted that his native place is at Kallara which is near to Attingal, Venjaramood and Trivandrum Telephone Exchanges. In 1986, he was transferred to Attingal. While he was working at Attingal,

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he was transferred to Telephone Exchange Varkala vide order dated 19.6.91. Though one Smt. S. Sharmila who is a far junior to the applicant was also ordered to be transferred to Varkala, Smt. S. Sharmila was retained at Attingal. He submitted representation dated 2.7.91 requesting to retain him at Attingal. He further submitted that there are vacancies in the Attingal Telephone Exchange and nearby areas so as to give him a posting to his native place. Under these circumstances, he filed representations Annexure-IV and V before the respondents. These representations have not been disposed of so far. According to the applicant new recruits after training were posted in the places where the applicant requested for posting, without considering his request. Under these circumstances, he has filed this application under section 19 of the Administrative Tribunals Act for a direction to consider the request of the applicant for a transfer to Attingal, Venjaramood or Trivandrum Telephone Exchange.

3. At the time when the case came up for admission, I have heard learned counsel for respondents also. He has no objection in disposing of the application at the admission stage itself directing respondents to dispose of the representations in accordance with law.

4. Having heard counsel on both sides, I am satisfied that justice will be met if I admit the application and dispose of the same at the admission stage itself without waiting for a formal reply from the respondents. Accordingly, I admit the application and dispose of the same directing the respondents to consider and pass orders on the representations Annexure-IV and V and dispose of the same in accordance with law. This shall be done within a period of two months from the date of receipt of a copy of this judgment.

5. There shall be no order as to costs.


N. DHARMAJAN
JUDICIAL MEMBER
23.3.93