

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 542 of 2009

with

Original Application No. 402 of 2010

Thursday, this the 16th day of September, 2010

CORAM

HON'BLE MR. JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. O.A. No. 542/2009

C.V. Suresh,
S/o. Kumaran,
Telephone Mechanic,
Army No. 12883130K Signalman (TA),
Telephone Exchange, Kalanad,
Kasargod District. Applicant.

(By Advocate Mr. C.P. Peethambaran)

v e r s u s

1. Union of India, Represented by
Secretary to Government,
Communication and Information Technology,
New Delhi.
2. The Chief General Manager, Telecom,
Bharat Sanchar Nigam Limited,
Thiruvananthapuram.
3. The General Manager, Telecom,
Bharat Sanchar Nigam Limited,
Kannur.
4. The Commanding Officer,
777 Sig. Regt Telecom (TA),
Mhow (Madhya Pradesh) : 453 441 Respondents.

(By Advocate Mr. T.C. Krishna for R2-3)

2. O.A. No. 402/2010

C.P. Lineshah,
 S/o. Pushkaran,
 Section Supervisor (OP),
 Customer Service Centre, BSNL,
 Nedumbassery, Aluva,
 Residing at "Chundel House",
 Chowara P.O., Aluva.

... Applicant.

(By Advocate Mr. Shafik M.A.)

v e r s u s

1. Union of India, represented by
 The Chairman Cum Managing Director,
 Bharat Sanchar Nigam Limited,
 Sanchar Bhavan, New Delhi.
2. The Principal General Manager,
 Telecom, BSNL, Ernakulam SSA,
 Ernakulam.
3. The Assistant General Manager (Admn.),
 O/o. The PGMT, Ernakulam.

... Respondents.

(By Advocate Mr. Pradeep Krishna for R1-3)

The Original Applications having been heard on 13.09.2010, this Tribunal on 16.09.10 delivered the following:

ORDER

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The above OAs were heard together as they both challenge the denial of incentive of choice posting admissible as per the terms and conditions for joining the Territorial Army (Telecom).

2. O.A. No. 542/2009 : The applicant in this O.A. who joined the Telecom Department as Group-D at Thalassery on 01.02.1983, is at present working as Telecom Mechanic at Kalanad Exchange in Kasargod District under the Bharat Sanchar Nigam Limited (BSNL). He was enrolled in 777 Signal Regiment of the Territorial Army (Telecom) on 24.12.1992.

Upto the year 2002, he had attended the annual training in the Territorial Army. He is aggrieved by the rejection of his request for transfer to Thalassery the place of his choice.

3. **O.A. No. 402/2010** : The applicant in this O.A. who joined as Telegraph Assistant in the Telecom Department on 24.12.1984, is now working as Section Supervisor at Nedumbassery Customer Service Centre, BSNL, with effect from the year 1999. He was enrolled in 777 Signal Regiment of the Territorial Army (Telecom) on 01.12.1992 and was summoned for annual training upto the year 1999. He is aggrieved by the order of transfer to Nedumkandam from Nedumbassery Customer Service Centre vide order dated 18.05.2010.

4. The contention of the applicants is that as per the terms and conditions of joining the Territorial Army (Telecom) they are entitled to get posting at a place of their choice. No member of the Territorial Army (Telecom) is liable to transfer without his consent. In support, they cited letters No.2-57/92-NW dated 29.07.1992 and No.2-57/92-NW dated 06.11.1992 from the Department of Telecommunications wherein posting at the place of choice is listed as one of the benefits granted to the officials volunteering to join Territorial Army (Telecom).

5. The respondents contested the O.A. The applicant in O.A. No. 542/2009 was granted transfer to Thalassery on 15.10.1994 at his request as a facility entitled to DOT personnel enrolled in Territorial Army (Telecom) as a Line Man. Upon his promotion as Telecom Mechanic, he was posted at Kalanad for want of vacancy at Thalassery. The applicants are no longer called for annual training in the Territorial Army (Telecom).

The applicant in O.A. No. 402/2010 was transferred to BSNL, Customer Service Centre, Nedumbassery on his request. None of the applicants are entitled for a further posting at a place of their choice as the benefit of choice posting is a one time incentive. The management committee of the BSNL Board has decided to wind up the Territorial Army (Telecom) unit and requested the Additional Director General, New Delhi, vide letter dated 30.07.2001 to take necessary action at the earliest. It was further submitted that as per letter No. P/5492/LC/T-2 dated 22nd April, 2010 by the Record Officer for OIC Records, The Records Signals, C/o. 56 APO, to the Registrar, C.A.T., Ernakulam Bench, in respect of O.A. No. 542/2009, i777 Signal Regiment Telecom (TA) has been disbanded on 02 March, 2007, as per order of Additional Director General of Territorial Army.

6. Arguments were heard and documents perused.

7. This Tribunal had granted interim stay on 21.05.2010 on the order Annexure A-1 dated 18.05.2010 in O.A. No. 402/2010.

8. Admittedly, the applicants are seeking the benefit of choice posting available to those officials who joined the Territorial Army (Telecom). Both the applicants had availed of this benefit once. The contention of the applicants is that the benefit of choice posting is available to them. They appear to maintain that they are members of the Territorial Army (Telecom) even today. In this regard, it is advantageous to reproduce the letter dated 22.04.2010 from the Records Signals, C/o. 56 APO, to the Registrar, C.A.T. Ernakulam Bench.

" Tele Mil : 6686

P/5492/LC/T-2

The Records Signals
Pin - 908 770
C/o. 56 APO
22 Apr 2010

The Registrar,
Central Administrative Tribunal
Ernakulam Bench (Kerala)

OA NO. 542/2009 FILED BY SHRI CV SURESH VS. UNION OF INDIA THROUGH SECRETARY TO GOVERNMENT OF INDIA, COMMUNIATION AND INFORMATION TECHNOLOGY AND OTHERS IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

Dear Sir,

1. Please refer to Hon'ble Tribunal Notice dated 26 Mar 2010, served to this office on behalf of respondent No. 4.
2. It is submitted that No 12883130K Telecom Mech (TA) CV Suresh was in listed in the roll of 777 Signal Regiment Telecom (Territorial Army) on 24 Dec 1992 and discharged on 02 Mar 2007 under Territorial Army Rule 14 (6)(iii) being surplus to the establishment, in the clause of 'Service no longer required' due to disbandment of 777 Signal Regiment Telecom (Territorial Army) on 02 Mar 2007 under the provisions of Additional Directorate General Territorial Army letter No. 51518/GS/TA-3 dated 02 Mar 2007.
3. Since 777 Signal Regiment Telecom (TA) has been disbanded on 02 Mar 2007 as per order of Addl Dte Gen of Territorial Army, therefore, Signals Records is not in position to communicate any policy of Territorial Army in posting matter. The petitioner is seeking redressal for his home posting from respondents 1 to 3 and there is no involvement of Signals Records in managing posting of TA personnel. Addl Dte of TA is competent to say something about posting privilege to TA personnel. In case of any policy for home posting to TA personnel, Addl Dte Gen of TA is competent to clear the situation. Therefore, the ibid OA is being forwarded to TA Directorate for their necessary action please.
4. However, in case of any requirement/query, may please be obtained from Addl. Dte Gen of Territorial Army, General Staff Branch, Integrated HQ of MoD (Army) 'L' Block, Church Road, new Delhi – 110 001 as document of petitioner being fwd to them.

Yours sincerely,
Sd/-
(Sree Kumar VR)
Capt., Record Officer,
for OIC Records. "

9. The above letter makes it absolutely clear that 777 Signal Regiment Telecom (Territorial Army) in which the applicants enrolled has been disbanded on 02nd March, 2007. Therefore, they are no longer members of the Territorial Army (Telecom). The contention that the applicants are eligible for the incentive of choice posting available to the officials upon getting enrolled in the Territorial Army does not survive once the 777 Signal Regiment Telecom (TA) to which the applicants belonged is disbanded. The applicants are not justified in claiming an incentive which is not available to them as of now. For the last 8 years or more, the applicants were not attending the annual training programme with the Territorial Army. As the contention of the applicants is not sustainable, the O.As fail. Accordingly both the O.As are dismissed. Consequently, the stay order dated 21.05.2010 granted in O.A. No. 402/2010 stands vacated. No order as to costs.

(Dated, the 16th September, 2010.)

(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER