

1/05.02.96

Hon'ble Mr. N.Sahu, Member (A)

.....

Heard Shri S.K.Singh, learned counsel for the applicant. The learned counsel seeks quashing of a part of the order contained in Memo No. TFC-18/TFR/93-94, dt. 08.06.1995 issued under the signature of the then District Telecom Manager, Ranchi, by which the applicant was transferred to Gumla.

2. An Interim Relief is also sought in this petition to stay the operation of Annexure-A/2 & A/8. After hearing the learned counsel Shri S.K.Singh, Shri J.N.Pandey Sr. Standing Counsel is requested to take notice of this case, and come prepared to show-cause (a) why the petition should not be admitted and/or disposed of at the admission stage itself. (b) As to why the stay shall not be granted as prayed for since the matter is very urgent.

3. The learned Sr. Standing Counsel is requested to seek instructions and appear on 09.02.1996 with the consent of Shri S.K.Singh.

Let a copy of this order be handedover to the learned counsel for the parties.

SKJ

anil
(N.Sahu)
Member (A)

xx 2/9.2.96 Hon'ble Shri N. Sahu, Member (A)

Shri Manoj Kumar Ambastha learned counsel for the applicant and Shri J.N.Pandey, learned Standing counsel for the respondents are present. Shri Pandey states that he has not been served with a copy of the application till now, therefore, he is not in a position to assist the Court on the question of interim relief. The counsel for the applicant accepts that there was wrong service by mistake. He is directed to serve a copy of the application ~~as~~ in the course of the day to the learned Standing Counsel. The case is adjourned to 15.2.96 for hearing on stay.

SKS

Govind Sahu
(N. Sahu)
Member (A)

3./ 15.2.96. Hon'ble Mr. K.D. Saha, Member (A)

Heard Shri S.K. Sinoh, the learned counsel for the applicant. By this application a prayer is made for quashing the impugned orders as contained in Annexure A/5 dated 8.6.95 and Annexure A/8 dated 20.12.95, whereby the applicant has been transferred and posted as a

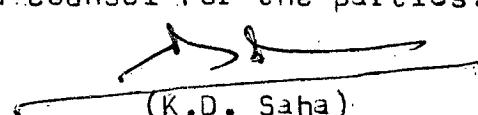
D.T.O., Gumala. The case of the applicant is that he has already served for more than two years at the newly opened Telegraph office as required in the instructions contained in Annexure A/1 dated 4.2.94. The applicant further submits that the applicant is not the incumbent who has the longest stay at Ranchi and there are about 19 persons who are having longer period of stay at Ranchi and in accordance with this instruction as at Annexure A/3 dated 28.5.93, he cannot be singled out for transfer to Gumala. The further submission is that the power to fix the strength of the cadre is vested in the Chief General Manager, Telecom, but the respondent No. 2 has illegally declared him as surplus. The learned counsel for the applicant submits that he has filed a representation to the Chief General Manager, Telecom, Bihar Circle, a copy of which is contained at Annexure A/9 dated 11.1.96,

requesting him to look into the matter, but he has not received any reply with reference to the same.

2. Pursuant to the order dated 5.2.96, a copy of the OA was given to the learned ~~Counsel~~ ~~Ex~~ Addl. Standing Counsel, Shri P.K. Jaipuriar to seek instructions in the matter. However, considering the submissions of the learned counsel and after going through the averments, I am of the view that this matter can be disposed of by giving a suitable direction to the Chief General Manager, Telecom, Bihar Circle, Patna, with whom the representation of the applicant is pending in this context to dispose of the above said representation by speaking and reasoned order.

Accordingly, I hereby direct the Chief General Manager, Telecom, Bihar Circle, Patna to dispose of the representation of the applicant as at Annexure A/9 dated 11.10.96 by speaking and reasoned order within a period of one month from the date of communication of this order. The learned counsel for the applicant submits that he has not yet carried out the order of transfer so far. Status quo should be maintained till disposal of his representation by the Chief General Manager, Telecom, Bihar Circle, Patna. With this observation, this case is disposed of. Let copy of this order be handed over the learned counsel for the parties.

/CBS/


(K.D. Saha)

Member (A) 15.2.96