

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 171/96; 173/96 & 365/96

Transfer Application No.

Date of Decision 9<sup>th</sup> SEPTEMBER, 1996

S. Dakshinamoorthy & 6 ors. (OA 171/96)  
C. Sankarakumar & 8 ors. (OA 173/96) Petitioner/s  
N R Ramanathan & 3 ors (OA 365/96)

Mr. Ramesh Ramamurthy

Advocate for  
the Petitioners

Versus

Union of India & ors

Respondent/s

Mr. V.S. Masurkar, (R.1, 2 & 5)


Mr. S.S. Karkera (R3, 4 & 6)


Advocate for  
the Respondents

CORAM :

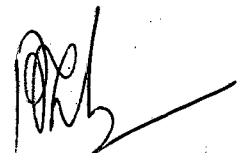
Hon'ble Shri. B.S. Hegde, Member(J)

Hon'ble Shri. P.P. Srivastava, Member(A)

(1) To be referred to the Reporter or not ? 

(2) Whether it needs to be circulated to  
other Benches of the Tribunal ? 

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, MUMBAI-1

O.A. Nos. 171/96;  
173/96 and  
365/96

Dated: 9<sup>th</sup> SEPTEMBER, 1996

Coram: Hon. Shri B.S. Hegde, Member (J)  
Hon. Shri P.P. Srivastava, Member (A)

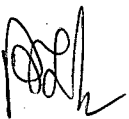
O.A. No. 171/96:


1. S. Dakshinamoorthy
2. A. Sivaraj
3. A.V. Sivanandam
4. T. Radhakrishnan
5. V. Rajasekharan
6. S. Balaji
7. V. Jambulingam

All the above applicants  
are working as Junior  
Accounts Officers under  
MTNL/DOT, Bombay. Service  
to be effected on Mr. Ramesh  
Ramamurthy, Advocate, High  
Court)

(By Adv. Mr. Ramesh Ramamurthy) ..Applicants  
V/s.

1. Union of India  
through the Secretary  
Ministry of Telecommunications



- Telecom Commission,  
Sanchar Bhavan  
20 Ashoka Road  
New Delhi 110001
2. Member (Finance)  
Telecom Commission  
Sanchar Bhavan  
20 Ashoka Road  
New Delhi 110001
3. Chief General Manager  
Nagabagar Telephone Nigam Ltd.,  
Telephone House  
V.S. Marg, Prabhadevi  
Dadar, Bombay 400028
4. Chief General Manager  
(Maintenance)  
Western Telecom Region,  
Telephone House, 12th Floor,  
V.S. Marg; Prabhadevi,  
Dadar, Bombay 400028
5. Chief General Manager  
Telecom Factory  
Deonar,  
Bombay 400088
6. Chief General Manager  
(Projects) West Zone,  
Phoenix Mill Compound,  
Lower Parel, Bombay 400013 .. Respondents  
(By Mr. V.S. Masurkar for  
Res. 1, 2 & 5)  
Mr. S.S. Karkera for  
Res. 3, 4 and 6)
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O.A. No. 173/96:

1. C. Sankarakumar
2. C. Ponnuchamy
3. M. Muthiah
4. V. Sivaraman
5. R. Gunaraj
6. P. Samson
7. R. Sankaran
8. S. Baskaran
9. N. Venkataraman

All the above applicants  
are working as Junior  
Accounts Officer under  
MTNL/Bombay. Service to  
be effected on Mr. Ramesh  
Ramamurthy, Advocate,  
High Court)  
(By Adv. Ramesh Ramamurthy) ..Applicants  
V/s.

1. Union of India  
through the Secretary  
Ministry of Telecommunications  
and Chairman Telecom  
Commission, Sanchar Bhavan,  
22 Ashoka Road  
New Delhi 110001.
2. Member (Finance)  
Telecom Commission  
Sanchar Bhavan



20 Ashoka Road

New Delhi 110001

3. Chief General Manager

Mahanagar Telephone

Nigam Ltd., Telephone

House, V.S. Marg,

Prabhadevi, Dadar,

Bombay 400028.

(By Adv. Mr. S.S.

Karkera)

..Respondents

O.A. No. 365/96:

1. N.R. Ramanathan

2. R.M. Jayaraman

3. S. Raju

4. Y. Ebrahim

(All the above applicants

are working as Junior Accounts

Officers under MTNL/DOT, Mumbai

Service to be effected on

Mr. Ramesh Ramamurthy, Advo-

cate, High Court

(By Adv. Ramesh Ramamurthy)

..Applicants

V/s.

1. Union of India

through the Secretary

Ministry of Telecommunication

and Chairman Telecommunication

Commission, Sanchar Bhavan



20 Ashoka Road,  
New Delhi 110001

2. Member (Finance)  
Telecom Commission  
Sanchar Bhavan  
20 Ashoka Road  
New Delhi 110001


3. Chief General Manager  
Mahanagar Telephone Nigam  
Ltd., Telephone House  
V.S. Marg, Prabhadevi  
Dadar, Mumbai 400028

(By Adv. Mr. S S Karkera) ..Respondents

:ORDER:

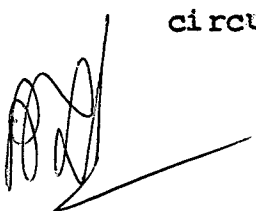
(Per: P.P. Srivastava, Member(A))

All the applicants in the three O.As. have common cause and therefore a common judgment is being delivered in all the three O.As. The applicants are working as Junior Accounts Officer in the offices of Telecom Department in Bombay. All the applicants are from Tamil Nadu and had opted for posting as their first choice in Tamil Nadu Madras Telecom / Telephones after passing the examination. However, they were posted in Bombay on various dates in January 1995. The Applicants grievance is that some of their junior colleagues have been posted in Tamil Nadu while they have been posted



in Mumbai ignoring their first right. The applicants submit<sup>d</sup> that in terms of policy letter dated 4.2.92 and 3.1.92, at Exhibit A&B, an employee is permitted a transfer to the home station after a minimum of one year stay outside. The Applicants therefore prays that they should be considered for posting to their home State i.e., Telecom Circle Tamil Nadu or Madras Telephone as their first choice was to that place.

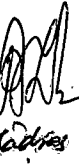
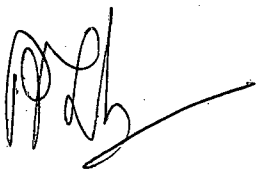
2. The Respondents on the otherhand has mentioned that the applicants have no legal claim as the circular cited by the applicants at Exhibit A & B dated 4.2.93 and 3.1.92 are only guidelines and do not give any statutory right to the applicants for being posted at a particular place. Counsel for the Respondents has also made a statement across the Bar that the Respondent Administration has already made out a list which is placed at R-1 at page 13 of the written statement wherein the names of the applicants have been shown along with their date of joining and the administration would consider the claim of the applicants for being posted to Tamil Nadu Circle strictly according to the date of their joining as shown in the list, keeping in mind the exigencies of service and any other unforeseen circumstances.



3. Counsel for the Applicants has submitted that the list placed at Annexure R-1 contains certain error in the date of joining of the applicants and the applicants may be permitted to make suitable representation to the Respondents for rectifying mistakes on the dates of joining and that the Respondents be directed to strictly adhere to the list submitted by them after due modification on the basis of any representation by the applicants and transfer the applicants to Tamil Nadu Circle according to this list.

4. After hearing both the parties we are of the view that the applicants did not have any legal claim for being transferred to Tamil Nadu as the instructions contained at Annexure A1 and A2 are guidelines and do not give any legal claim to the applicants. However, the applicants have a right to be considered for posting to Tamil Nadu Circle in terms of the guidelines and the Respondents Counsel has already made a statement that the Respondents would be considering the case of the applicants for posting to Tamil Nadu Circle on the basis of the list at Annexure R1. The applicants would be at liberty to submit any representation in as far as there is any mistake in the date of joining as shown in the list at R1 and the case of the applicants should be considered by


*for transfer to Tamil Nadu Circle / Madras*





.8.

the Respondents in terms of list as already  
agreed by them. The three O.As are disposed  
of accordingly. No order as to costs.



(P.P. Srivastava)  
Member (A)



(B.S. Hegde)  
Member (J)

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