

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: 9th 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

Original set of this judgement dt. 9/9/96.
Kept in OA 171/96. SS
19/9/96.

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)

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

.4.

20 Ashoka Road
New Delhi 110001
3. Chief General Manager
Manager Telephone
Nicco Ltd., Telephone
H. No. 1, V.S. Marg,
Frenchadevi, Dadar,
Mumbai 400028.
(By Adv. Mr. S.S.
Karkar)

..Respondents

C.A. No. 145/96:

1. R. Ramanathan
2. S. Jayaraman
3. S. Raj
4. Y. Ibrahim

(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, 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 / 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.

A/1

(P.P.Srivastava)
Member (A)

(B.S.Hegde) /
Member (J)

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