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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 320/92

198

TAX NOX

DATE OF DECISION 27-4-1992

B. JOHN

Petitioner

Mr. C Nathan

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. V S Masurkar

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

M Y Priolkar, Member (A)

The Hon'ble Mr.

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1. Whether Reporters of local papers may be allowed to see the Judgement? *Ye*
2. To be referred to the Reporter or not? *Ar*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

MGT/PRRND-12 CAT/86-3-12-86-15,000

M(A)

TRK/-

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESOT ROAD, BOMBAY-1

OA No. 320/92

B. John
Assistant Engineer
SPC Tax
10th floor; Telecom Bldg.,
Prabhadevi, Bombay 28

C/o. Mr. C Nathan &
Mr. S M Shetty
Advocates; 17 Dalvi Bldg.,
Dr. Ambedkar Road
Parel; Bombay 12

..Applicant

V/s.

1. Union of India
through Chairman
Telecom Commission
Department of Telecommunications
(STG - II(Section)
Sanchar Bhavan
New Delhi 110001

2. The Chief General Manager
Mahanagar Telephone Nigam Ltd
Telephone House
V.S. Road; Prabhadevi;
Bombay 28

..Respondents

CORAM: Hon. Shri M Y Priolkar, Member(A)

APPEARANCE

Mr. C. Nathan
Advocate
for the applicant

Mr. V S Masurkar
Counsel
for the respondents

ORAL JUDGMENT

DATED: 27-4-1992

(MY Priolkar, Member(A))

The applicant in this case has approached this Tribunal with a prayer for a direction to the respondents to issue immediate transfer order of the applicant from Bombay to Kerala, which is stated to be his home state.

The applicant relies on a decision of the Department ~~declaring~~ Bombay as a tenure station for posting of staff having All India

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transfer liability, the normal tenure being three years for posting and stay at Bombay. The applicant's case is that he has already been in Bombay for over 16 years which includes over 3 years in T.E.S. Group B cadre in Bombay Telecom Circle. The applicant also states that on 1.3.1992 a number of T.E.S. Group B officers have been transferred to various places, but the name of the applicant does not find a place in that transfer order dated 4.3.92 transferring 49 persons.

It is to be noted that by this transfer order of 4.3.92 whereunder 49 officers have been transferred, not a single individual has been transferred to Kerala.

Learned counsel for the respondents stated that against the judgment dated 12.7.91 of the Tribunal Bench of Ernakulam in OA No. 1058 of 1990 in which the transfer of the applicant in that case on promotion to T.E.S. Group B from Kerala circle to another circle was quashed, the department had moved the Supreme Court on an SLP and by order dated 27.1.1992 the Supreme Court has made an interim order directing status quo as on that date. Respondents, therefore, are unable to make any order transferring a T.E.S. Group B official to Kerala, as long as this stay order is in operation. The learned counsel for the respondents also produced a copy of the list of T.E.S. Group B officers compiled by the respondents, of similarly placed officers like the applicant in the present application, whose requests are pending for transfer to Kerala Telecom Circle, in which the applicant's name is also found at Sr. No. 10. The learned counsel for the respondents stated that all these requests are to be considered as soon as the status quo order of the Supreme Court is vacated.

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In the circumstances we find no merit in this application which is accordingly rejected summarily at the admission stage itself. No order as to costs.

Shiv
(M Y Priolkar } 7.4.92
Member (A)

trk/-