

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 11-5-94

APPLICATION NO(s) 808/94

APPLICANTS:

M. Rajanna
TO.

RESPONDENTS:

G.M (Maintenance)
Southern Telecom Region
& a/c

1. Sri M. R. Achar, Advocate, NO. 1075-76,
2nd main 4th cross, Shrinivasa Nagar
II Phase Bangalore
2. The General Manager (Maintenance)
Southern Telecom Region NO. 25, Grace
Mansion, Infantry Road. Bangalore-1.
3. The sub-Divisional Engineer Micro-
wave Maintenance Micro wave
Station Bangalore Road. Kolar.
4. Sri M. S. Padmasayanaiah, Senior Counsel
for Central Govt High Court Building
Bangalore

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/~~STAY ORDER~~/~~INTERIM ORDER~~, Passed by this Tribunal
in the above mentioned application(s) on 11.5.94.

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

Received for file No ①
A. (AIRATANA)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.808/94.

WEDNESDAY, THIS THE 11TH DAY OF MAY, 1994

SHRI T.V. RAMANAN .. MEMBER (A)

M. Rajanna,
S/o Muniyappa, Major,
Junior Telecom Officer,
Micro Wave Station,
Bangarpet Road, Kolar.

.. Applicant

(By Advocate Shri M.R. Achar)

Vs.

1. The General Manager
(Maintenance), Southern
Telecom Region, No.25,
Grace Mansion, Infantry Road,
Bangalore - 560 001.

2. The Sub-Divisional Engineer,
Micro Wave Maintenance,
Micro Wave Station,
Bangarpet Road, Kolar.

.. Respondents

(By Advocate Shri M.S. Padmarajaiah)

O R D E R

Heard the learned counsel for the applicant. Admit.

Shri M.S. Padmarajaiah, Central Govt. Senior Standing Counsel
present in the Court agreed to take notice of this application.
Heard Shri M.S. Padmarajaiah also.



This Tribunal, by its order dated the 29th of July, 1993
had ordered keeping in abeyance of the Dept. of Telecommunications,
Office of the General Manager (Maintenance), Southern Telecom
Region, Bangalore, order No.GMM/STR-BG/STE-10/93-94/40, dated
19.05.1993 (Annexure-A1) till the end of April, 1994 and to quote
from the said order "that the department would thereafter be free
to give effect to the said order". The applicant has now sought
relief seeking a direction from this Tribunal for not giving effect

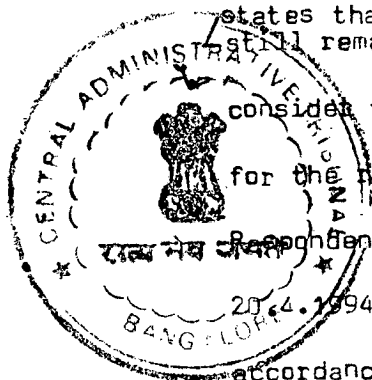
to the aforesaid order of transfer dated 19.05.1993 (Annexure-A1) on two grounds, viz., (i) that there is change of circumstances that the General Manager, STR, Bangalore, has now no powers to transfer any official of his rank to the Director Traffic, STR, Madras, as the later has with effect from 1.3.1994 been vested the administrative control of Traffic Trial Tests to which unit the order dated 19.5.1993 ordered his transfer and (ii) on compassionate grounds on the basis of a representation the applicant made to the General Manager (Maintenance), STR, Bangalore.

3. As has been seen earlier, the department is at liberty to give effect to the transfer order dated 19.5.1993 after April, 1994. This means, the department may even decide not to give effect to the said transfer order. This Tribunal has nowhere ordered that the department should necessarily give effect to the transfer order after April, 1994. It is admitted even by the applicant's counsel that no order has been passed by the Department after April, 1994 directing the movement of the applicant from Micro Wave Maintenance, Kolar to Traffic Trials, Bangalore. The question of change of jurisdiction is not quite relevant in the absence of any movement order. Secondly, even on compassionate grounds, it is not for the Tribunal to intervene at this stage because the Tribunal had over-looked the plea of the applicant for non-transfer to Bangalore from Kolar in its order dated 29th July, 1993 in O.A. No.51E/93. What the Tribunal did was only ordering holding the transfer order in abeyance until the end of April, 1994, i.e., till the end of the academic year in order to enable the applicant's children to complete the education during that academic year. This application is therefore not maintainable at this stage because the order of transfer issued on 19.5.1993 and which had been considered earlier by this Tribunal and an order



passed cannot now be considered as the impugned order for the purpose of this application. If the applicant wants to challenge giving effect to the order dated 19.5.1993 on the grounds of lack of jurisdiction due to change in administrative control of Traffic Trial Tests unit from the General Manager (Maintenance), Southern Telecom Region, Bangalore to the Director (Traffic), STR, Madras, then he can do so only after an order gets issued directing the applicant's movement from Kolar to Traffic Controls, Bangalore, on the basis of the order dated 19.5.1993 to be issued by the General Manager, Telecom Region, STR, Bangalore. This application being pre-mature is, therefore, dismissed.

4. At this stage, Shri M.R. Achar, the learned counsel for the applicant draws my attention to Annexure-A4, which is a copy of the representation made by the applicant to the General Manager (Maintenance), STR, Bangalore, praying that he should be retained at Kolar in his present position and that one Shri G.K. Kulkarni, JTC, Micro Wave Maintenance, Kolar, who has sought a transfer to Bangalore and whose name has been kept in the waiting list at Sl.No.2, be considered for transfer to Bangalore instead of his being transferred to Bangalore, and states that the representation (Maintenance), STR, Bangalore, still remains undisposed of and that General Manager be directed to consider that representation for early disposal. Shri M.S. Padmarajaiah for the respondents has no objection to this request. Accordingly, Respondent No.1 is directed to consider the representation dated 20.4.1994 (Annexure-A4) and pass an appropriate order thereon in accordance with law within a period of one month from the date of receipt of a copy of this order by him. The applicant is however at liberty to come up with an application on the question of jurisdiction in the event of Respondent No.1, in the meanwhile passing an





...er giving effect to the transfer order dated 19.5.1993.

With this observation, this application is disposed of.

(एकमेव जयते) No order as to costs.

Sd/-

(T.V. RAMANAN)
MEMBER (A)

psp.

TRUE COPY

[Handwritten signature]
11/5/94

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE