

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 13.05.2016

OA No. 291/00330/2016

Mr. Mukesh Agarwal, counsel for applicant.

1. The matter relates to transfer in BSNL.

2. Heard. Counsel for applicant submits that vide Annexure A/1 order dated 06th May, 2016, the applicant, who is Additional General Manager, has been transferred from Rajasthan Circle to Jammu & Kashmir Circle. In this context, counsel for applicant submits that immediately on receipt of transfer order, the applicant submitted a representation to the respondent no. 3 on 07.05.2016 (Annexure A/2) through proper channel and an advance copy of the same was also sent to respondent no. 3 directly. The applicant's version is that he has been transferred against the transfer policy of the respondents, (filed as Annexure A/6), wherein, inter alia, it has been provided in Section-B, para 11(f) that "*for considering executives for tenure posting on transfer, the executives with longest stay in a particular circle would be considered first*" but the persons with longest stay in a circle have not been transferred and the applicant has been transferred and, therefore, his transfer is not in accordance with the transfer policy. Counsel for applicant further submits that for this reason, the transfer of the applicant requires to be set aside and prays for grant of interim relief staying the effect and operation of the impugned transfer order dated 06th May, 2016 (Annexure A/1) qua the applicant.

3. Considered the aforesaid contentions and perused the record. It is noted that the applicant has submitted a representation on 07.05.2016 (Annex. A/2) against his transfer order dated 06.05.2016 (Annex. A/1). Though it has been submitted only recently, but taking into

account the facts and circumstances of the case, it is deemed appropriate to dispose of the OA, at admission stage itself, without going into the merits of the case lest it prejudice the case of either side, with certain directions. Accordingly, it is directed that -

- (i) the respondents may consider and decide the representation of the applicant dated 07.05.2016 (Annex. A/2) by a reasoned and speaking order in accordance with law at the earliest and preferably within one month from the date of receipt of a copy of this order,
- (ii) the applicant is also directed to furnish a copy of this order and complete copy of paper book/OA within a week from today to facilitate the concerned authority in the respondent-department to decide the said representation,
- (iii) till the disposal of Annexure A/2 representation of the applicant dated 07.05.2016, the effect and operation of the impugned transfer order dated 06.05.2016 (Annexure A/1) qua the applicant shall remain stayed,
- (iv) in case, the applicant fails to furnish a copy of this order and paper book/OA, as directed above, the respondents will be free to take action against the applicant as per law.

4. In view of the limited relief being granted, the requirement of issue of notices to the respondents is dispensed with.

With these observations and directions, the Original Application is disposed of at admission stage itself, with no order as to costs.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER