

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 27.4.98

OA 128/98

Om Prakash Vaishnav s/o Shri Mohanlal Ji Vaishnav r/o House No.39 II, P&T Colony, Vigyan Nagar, Kota.

... Applicant

Versus

1. Union of India through Secretary, Department of Telecom, Dak Bhawan, Parliament Street, New Delhi.
2. The Chief General Manager, Department of Telecom, Rajasthan, Jaipur.
3. The General Manager, Telecom Department Kota through SDE (HRD).
4. JTO Incharge, Central Telegraph Office, Kota.
5. Shri D.K. Dubey, Sr.TOA (T), Office of the DTO, Jhalawar.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.M.R.Saran

For the Respondents

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O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Om Prakash Vaishnav, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, assailing the impugned order, at Annexure A-1, dated 27.3.98, by which the applicant was transferred from Kota to Baran, as being illegal, arbitrary and mala fide.

2. Heard the learned counsel for the applicant. Applicant's case is that he is working as a Senior Telegraphist under the respondents and he is posted under respondent No.4 namely JTO Incharge, Central Telegraph Office, Kota, and that the respondents are under legal obligation to observe and implement the policy in regard to transfers of employees. The contention of the applicant is that his transfer by the impugned order from the CTO, Kota, is mala fide, with a view to extending undue favour to respondent No.5 because the applicant has been posted by the said order in a small Telegraph Office under the DTO, Baran. It is further contended by the applicant that in the circumstances the junior-most TOA Grade-III official should have been posted as Incharge of the office at Baran. The learned counsel for the applicant has drawn my attention to the representation made by the applicant, at Annexure A-4, dated 8.4.98, which is pending consideration. The impugned order, as stated by the learned counsel for the applicant, has already been held in abeyance till 31.5.98.

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3. In the circumstances, the present application is disposed of, at the stage of admission, with a direction to respondent No.3 to decide the applicant's representation dated 8.4.98, at Annexure A-4, through a detailed speaking order in terms of rules, instructions and guidelines on the subject meeting all the points raised therein within a period of two months from the date of receipt of a copy of this order. If the applicant feels aggrieved by any decision taken on his representation, he may file a fresh OA. Let a copy of the OA and the annexures thereto be sent to respondent No.3 alongwith a copy of this order.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

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