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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 05.01.1999

OA 283/98

N.N.Pareek s/o Late Shri Radha Kishan Pareek r/o IInd 7, Telephone Colony, Indira Nagar, Jhunjhunu.

... Applicant

Versus

1. Union of India through the Secretary, Department of Telecommunication, New Delhi.
2. Chief General Manager, Telecommunication, Rajasthan Circle, Jaipur.
3. Telecom District Manager, Department of Telecommunication, Kisan Colony, Jhunjhunu.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant ... Mr.Rajendra Kumar Sharma

For the Respondents ... Mr.M.Rafiq

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, N.N.Pareek, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the order dated 27.6.1998, at Annexure A-1, by which he was transferred from Jhunjhunu to Khetri on the post of Telephone Operator.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.

3. Applicant's case is that while working as a Telephone Operator in the Telecom Department at Jhunjhunu, he was transferred to Khetri. The transfer has been assailed on the ground that it was not made in any public interest but the same was made due to extraneous reasons. It is alleged by the applicant that he was transferred merely because of his involvement in the social activities of the District and since those social activities did not suit the higher officers of the Telecom Department, he was shunted out of Jhunjhunu and posted at Khetri, which is about 75 kms away from Jhunjhunu. It is further stated that persons having longer stay in Jhunjhunu have been allowed to continue in Jhunjhunu while the applicant, who had been posted in Jhunjhunu only in 1994, is being transferred from that place with ulterior motives and for mala fide reasons. The applicant apprehends that merely because he is an active member of Sewadak, the aim and object of which is to develop nationalism, he has been picked for transfer. It is also stated that ~~Chhuk~~ Sewadak is not a political organisation and mere participation of the

applicant in the activities of Sewadāl cannot be a ground for his transfer from Jhunjhunu to another place. The transfer has also been assailed as being arbitrary.

4. On the contrary, the respondents have stated that the applicant has been participating in the political activities of the Indian National Congress being the President of Jhunjhunu Unit of Congress Sewadāl. It is also stated that no officer in the respondent department had developed any jealousy or enmity with the applicant. The applicant has neither named anybody nor has he impleaded anybody by name as respondent to substantiate the allegation of mala fide. It is categorically stated that the transfer order was made purely on administrative grounds and the transfer is not in any manner illegal, arbitrary or unjustified. The learned counsel for the applicant, instead of pressing this application on merits, intends to make a representation to the concerned authorities regarding his grievance.

5. In the circumstances, this application is disposed of, at the stage of admission, with a direction to the applicant to make a representation to respondent No.2 regarding his grievance within a period of 15 days from the date of this order and if the same is made, respondent No.2 shall decide the applicant's representation through a detailed speaking order on merits within a period of one month from the date of its receipt. Let a copy of the OA and the annexures thereto be sent to respondent No.2, alongwith a copy of this order. No order as to costs.

Cikrākā⁴
(GOPAL KRISHNA)
VICE CHAIRMAN

VK