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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 7.10.98

OA 50/98

Bal Kishan s/o Shri Pooran Jamadar r/o Namak ka Katra, Mali Mohalla, Bharatpur.

... Applicant

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Telecommunication, New Delhi.
2. Chief General Manager, Telecommunication, M.I. Road, Jaipur.
3. District Manager, Telecom Kendra, Krishna Nagar, Bharatpur.
4. JTO, Telecom c/o SDO Phones, Krishna Nagar, Bharatpur.
5. Shri Radhey Shyam, Phone Mechanic, presently posted at SDO, Phones, Krishna Nagar, Bharatpur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. Mahendra Shah

For the Respondents

... Mr. V. S. Gurjar

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Bal Kishan, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging his transfer on the post of Phone Mechanic from Bharatpur to Jurehra.

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

3. Applicant's case is that he was promoted as Phone Mechanic in the scale Rs.975-1540 from the post of Lineman in the scale Rs.825-1050. The applicant was given promotion w.e.f. 16.10.95, whereas Shri Radhey Shyam, respondent No.5, was given promotion from the date of his resumption of duty i.e. with effect from 21.1.96. The grievance of the applicant is that Shri Radhey Shyam, being junior to the applicant, was retained at Bharatpur and the applicant was picked for transfer to Jurehra. It has been urged on behalf of the applicant that he has been transferred to Jurehra under the control of SDO (Telephones), Deeg, on the premise that the applicant is junior to Shri Radhey Shyam. It is further contended that Shri Radhey Shyam is junior to the applicant, as evidenced by Annexures A-1 and A-2 dated 17.6.96 and 19.11.97 respectively.

4. The learned counsel for the respondents has drawn attention to a communication dated 18.9.98, a copy of which has been taken on the record of

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this case, to show that the applicant has resumed his duty as a Phone Mechanic at Jurehra. The learned counsel for the applicant has categorically stated that the applicant's representation dated 12.1.98, at Annexure A-5, has not been considered and decided by the respondents till date keeping in view Annexure A-7, dated 16.1.98.

5. In the circumstances, this application is disposed of with a direction to respondent No.2 to decide the applicant's representation dated 12.1.98, at Annexure A-5, keeping in view the communication dated 16.1.98, at Annexure A-7, in terms of rules, instructions and guidelines on the subject within a period of two months from the date of receipt of a copy of this order. No order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK