

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.No. 272 of 1997

DATE OF DECISION... 28-10-1998....

Shri Harekrishna Sah, son of late Pujan Sah (PETITIONER(S)

Mr.B.K.Sharma, Mr.S.Sarma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

MR.A.K.CHOUDHURY, ADDL.C.G.S.C.

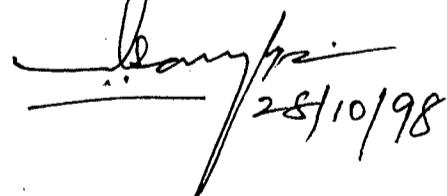
----- ADVOCATE FOR THE
RESPONDENTS.

THE HON. MR. JUDGE MR.G.L.SANGLYINE, ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble ADMINISTRATIVE MEMBER


28/10/98

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.272/97.

Date of order: This the 28th October 1998.

Hon'ble MR.G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Shri Harekrishna Sah, son of Late Pujan Sah
presently working as Telephone Operator. SDE
(Group). in the office of the TDM, Aizawl,
Mizoram

.....Applicant

By Advocate Mr.B.K. Sharma, Mr. S.Sarma.

-Vs-

1. The Union of India, through the Secretary,
Ministry of Telecommunication, Sansar Bhawan,
20 Ashok Road, New Delhi-110001.

2. The Chief General Manager (Telecom), North
East Circle, Shillong-793001.

3. The Chief General Manager (Telecom), Northern
Telecom Region, Kidwai Bhawan, New Delhi.

.....Respondents

By Advocate Mr.A.K.Choudhury, Addl .C.G.S.C.

SOR

O R D E R

SANGLYINE, MEMBER (A):

The applicant is a telephone operator. A CBI case was pending against him before the Special Judge, New Delhi. Consequently, he was transferred from New Delhi to North-East Telecom Circle. He was posted in Mizoram. He continues working in Mizoram till date on 17.9.97 he submitted representation to the respondents No.2, the Chief General Manager (Telecom), North East Circle Shillong requesting for posting in a place of his choice in accordance with a scheme laid down in the Government of India, Ministry of Finance Department of Expenditure Office Memorandum NO.20014/3/83-E.IV dated 14.12.1983 as he was due to complete three years of service in the North Eastern Region on 21.11.1997. His place of choice is any division of New Delhi Circle. There was no reply to the

representation. Therefore, on 15.12.97 he submitted this O.A. NO.272 of 1997. The application is directed against the deemed refusal of the respondents to consider the representation dated 17.9.97 submitted by the applicant for transfer to New Delhi Circle on completion of his tenure of posting in North East Region in terms of the aforesaid O.M. The contention of the respondents is that the applicant is not entitled to the benefits of the scheme as he was transferred to the North Eastern Region under Rule 37 of the Post and Telegraph Manual Volume IV in the interest of service as a result of a criminal case initiated by the CBI as he was involved in misappropriation / embezzlement cases in connection with which he was also arrested. According to them, this scheme is applicable only to the normal routine transfers. The other contention of the applicant is that the respondents have treated the applicant with discrimination. Three other officers were similarly placed and they were transferred to Kerala from New Delhi. Being aggrieved with the transfer orders they had approached the Central Administrative Tribunal, Ernakulam Bench. The Bench had directed the respondents to consider the cases of those officers. On consideration by the respondents they were transferred from Kerala Circle to New Delhi Circle. He, therefore, submits that a direction may be issued to the respondents to consider his request for his transfer from Mizoram to any place in the New Delhi Division in a similar manner. He also submits that such transfer will alleviate his difficulties in attending the Court of the Special Judge, New Delhi in connection with his case pending before the Court.

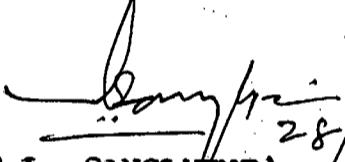
2. Heard learned counsel of both sides. The respondents are bound to dispose of the representation of applicant as they deem fit. They have not however, communicated

to the applicant whether his representation was disposed of. Therefore, the representation is pending disposal by the respondents. However, the applicant is directed to submit a fresh representation stating his case clearly to the competent authority of the respondents within one month from the date of receipt of this order. It is further directed that the competent authority of the respondents shall dispose of the representation of the applicant with a speaking order on merit and communicate the same to the applicant within one month from the date of receipt of the representation.

3. The application is disposed of as above.

No costs.

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28/10/98
(G.L. SANGLYNE)

ADMINISTRATIVE MEMBER