

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 435 of 2003

Jabalpur, this the 22nd day of July, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member  
Hon'ble Mr. Anand Kumar Bhat, Administrative Member

Hemant Kumar Mandora, son of late Shri  
Ramchandra Mandora, aged about 46 years  
R/o 14/10, Shalimar Enclave, E/3, Arera  
Colony, Bhopal M.P.

APPLICANT

(By Advocate - Shri P.R. Bhave)

VERSUS

1. Union of India through Secretary, Ministry of Communication, Department of Telecom Services, Sanchar Bhawan, 20, Ashoka Raod, New Delhi.
2. Chief General Manager, M.P. Telecom Circle, Bhopal, M. P.
3. Deputy Director General, Bharat Sanchar Nigam Limited, 10th Floor, Chandralok Building, Janpath, New Delhi - 110 001
4. Mr. K.A Kansal, A.C. (c) (P & D), Office of C.E. (c), Bharat Sanchar Nigam Limited, M.P. Civil Zone, Bhopal M.P. RESPONDENTS

O R D E R (ORAL)

By J.K. Kaushik, Judicial Member -

Shri Hemant Kumar Mandora has filed this Original Application assailing the impugned order dated 04/04/2003 (Annexure A/1) by which he has been transferred from Bhopal to Patna.

2. The brief facts of the case are that the applicant was earlier posted at Patna which was changed to Bhopal and in Bhopal he has hardly served for about 2 years. On the other hand one Shri K.A. Kansal who was transferred to Patna about 2 years back has been brought to Bhopal in place of the applicant. It has also been averred that as per the transfer guidelines the normal tenure for these posts is for 4 years, whereas Station

tenure is 8 years. There has been infraction of the guidelines. Certain problems of in-convenience and medical problems have also been indicated. It has also been specifically pleaded that one Shri Virendra Kumar, Member of Parliament from Sagar seems to have written a letter against the applicant on the pretext that the applicant is serving in Madhya Pradesh for a long period.

3. The Original Application is filed on number of grounds mentioned therein.

4. The application was listed for admission today. We have heard the learned counsel for the applicant and have carefully perused the records.

5. It is seen from the records that the applicant has filed two representations dated 9th April 2003 and 12th July 2003 to the competent authority enunciating the in-convenience and problems caused due to his transfer and has prayed to post him around Indore or back to Bhopal. We have also clarified from the learned counsel for the applicant as regards the present status of the applicant. It has been fairly disclosed that the applicant has been relieved from his present post and another incumbent has already joined the post held by the applicant. However the learned counsel for the applicant submitted that the representations of the applicant is still pending consideration by the respondents and the same has not yet been disposed of so far.

6. We are aware of the verdicts of the Hon'ble Apex Court as well as of the other courts including the Benches of the Tribunal that in cases of personal in-convenience and personal problems relating to domestic problems, the matter is required to be considered by the Executives and no judicial review in <sup>called</sup> such matters is for. Thus we propose to dispose of this case duly directing the competent authority to dispose of the pending representations of the applicant.

7. As regards the ground of malafide, the person against whom malafide has been placed has not been made necessary a party in the original application, so the same cannot be sustained as it is too easy to take the ground of malafide but difficult to sustain the same, in absence of evidence.

8. In the premises the original application is disposed of with a direction to the respondents to decide the pending representations of the applicant within a period of one month from the date of receipt of copy of this order, by passing a speaking and reasoned order and also examining the merits of the case. Let a copy of this order alongwith the paper book be send to the respondent No. 3. The original application therefore stands disposed of in limine at admission stage itself.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(J.K. Kaushik)  
Judicial Member

सूचना से ओ/ज्ञा..... जबलपुर, दि.....  
प्रतिनिधि अम्बेडकर:-

- (1) गविन, उच्च न्याय दर्श एवं अधिकारी, जबलपुर
- (2) अम्बेडकर, अधिकारी/वक्तु..... को कानूनी
- (3) प्रताणी शेर्पा, टी/कु..... को कानूनी
- (4) वायपार, डे.जे. जबलपुर व्यापारी/उच्चजा एवं आवश्यक कार्यवाही देख

P.R. Bhare Ade  
Dy. Dis. Gen. Rev. 03

25/7/03

Received  
25/7/03