

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, GWALIOR

Original Application No. 477 of 2003

Gwalior, this the 18th day of July 2003

Hon'ble Shri Kuldip Singh, Judicial Member
Hon'ble Shri Anand Kumar Shatt, Administrative Member

Ajay Singh Sengar, Aged about 45
years, S/o. Late Shri B.S. Sengar,
SDOT working under TDM Guna (M.P.). ... Applicant

(By Advocate - Shri Ashish Shrivastava)

V e r s u s

1. Union of India,
Through Secretary,
Telecommunication, New Delhi.
2. The Chief General Manager,
Telecommunication BSNL,
Doorsanchar Bhawan, Bhopal.
3. TDM O/o TDM A.B. Road,
Guna (M.P.). ... Respondents

O R D E R (Oral)

By Kuldip Singh, Judicial Member -


The applicant has been transferred from Guna to Jhabua, vide order dated 03/08/2001, which was challenged by the applicant by filing an Original Application No. 540/2001. The said OA was disposed of with the directions to the respondents to dispose of the representation of the applicant with a speaking order within six weeks from the date of receipt of copy of the same. ^{It has been further ordered that} ~~Meanwhile~~ if the applicant has not been relieved as on date he shall not be relieved till the disposal of representation by the Department. Now the representation filed by the applicant has been disposed of vide Annexure A/3 by passing a speaking order thereon and the department is taking a stand that transfer is an incident of service and no one has any right for seeking place of his choice. It is for the authorities to decide.

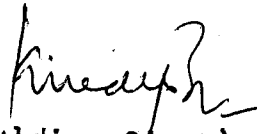
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and where to utilize the services of its employees in the interest of administration. To transfer an employee in the interest of service, there is no tenure prescribed. The department has considered the claim of the applicant regarding the education of his children also and has observed that since the applicant has his parental house at Guna he would not have such problem. Hence we find that the department has considered all the ^{Grievances &} ~~aspects~~ of ^{applicant against his} ~~incidence of~~ transfer and after considering the same the representation of the applicant has been decided by a speaking order.

2. The order dated 25.9.2001 (Annexure-A-3) has been challenged on the ground that certain allegations have been levelled against the applicant but the applicant had never been asked for any explanation against those allegations and his prior record is spotless and no charge sheet has been served upon him. Now, the applicant wants to claim that the order has been passed in order to penalise him.

3. However, after going through the OA and the impugned order, we find that the order passed by the respondents does not speak for any malafide on the part of the respondents and it shows that the applicant's transfer has been made on administrative exigencies. So we find that this OA has no merit and the same is accordingly dismissed. No costs.


(Anand Kumar Bhatt)
Administrative Member


(Kuldip Singh)
Judicial Member