

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 31st day of March, 2010

ORIGINAL APPLICATION NO. 477/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

N.N. Kumhar son of Shri Jetha Ram, aged about 44 years, resident of House No. C-70, Todinagar, Sikar. At present employed on the post of Accounts Officer in the office of GMTD, BSNL, Sikar.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Bharat Sanchar Nigam Ltd. through its Chairman & Managing Director, Corporate Office, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi.
2. The Chief General Manager Telecommunication, BSNL, Rajasthan Telecom circle, Sardar Patel Marg, Jaipur.
3. General Manager (Finance), Office of CGMT, BSNL, Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
4. Shri Sanjivan Kumar, General Manager Telecom District, Bharat Sanchar Nigam Ltd. (A Govt. of India Enterprise) Basant Vihar, Sikar (Rajasthan).

.....RESPONDENTS

(By Advocate: Mr. T.P. Sharma)

ORDER (ORAL)


The grievance of the applicant in this case is regarding impugned order dated 07.08.2009 (Annexure A/1) whereby the applicant was given further posting at Laxmangarh pursuant to the transfer order issued by the CGMT vide order dated 13.07.2009. One of the conditions imposed by the CGMT while transferring the applicant vide order dated 13.07.2009 was that posting of the officers to sensitive/non-sensitive posts should be done by the unit as per prescribed norms circulated by DoT and O&M branch of BSNL Corporate Office from time to time.

2. Learned counsel for the applicant has drawn our attention to Circular dated 16.09.2009 (Annexure A/6), issued by the office of Chief General Manager, Telecommunication, Rajasthan Circle, Jaipur, regarding posting of Accounts Personnel other than SSA Headquarter and contended that authority who has passed the impugned order dated 07.08.2009 (Annexure A/1) was not competent authority to post the applicant pursuant to the circular dated 16.09.2009 issued by the headquarter office vide Annexure A/6.

3. Notice of this application was given to the respondents. The respondents have not specifically met this point. Under these circumstances, we are of the view that it will be appropriate if the matter is remitted back to the Chief General Manager Telecommunication, BSNL, Rajasthan Telecom Circle, Jaipur [Respondent no. 2] to decide the issue ^{whether} posting of the applicant at Laxmangarh vide order dated 07.08.2009 (Annexure A/1) was in conformity with the Circular dated 16.09.2009 (Annexure A/6). Till such issue is not decided by Respondent no. 2, the respondents are directed to maintain status quo qua the applicant. The decision so taken by Respondent no. 2 shall also be communicated to the applicant.

4. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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