

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 9th day of June, 2010

OA No.286/2010

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)

J.P.Nagar
s/o Shri Badri Lal Nagar,
r/o Q.No.1, Type-IV,
Telecom Colony, Jhalawar,
and presently working as
Sub-Divisional Engineer,
Telecom District, Jhalawar.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Bharat Sanchar Nigam Limited through its Chairman and Managing Director, Corporate Office, Bharat Sanchar Bhawan, Harish Chandra Lane, Jan Path, New Delhi.
2. Union of India through its Secretary, Department of Telecom, Ministry of Communication and Information Technology, Sanchar Bhawan, New Delhi.
3. Chief General Manager, Telecom, Rajasthan Circle, Sardar Patel Road, Jaipur
4. Assistant General Manager (Per-II), Corporate Office, Personnel-II Section, Bharat Sanchar Bhawan, 4th Floor, Jan Path, New Delhi.

.. Respondents

(By Advocate: ...)

O R D E R (O R A L)

In this case grievance of the applicant is regarding transfer order dated 23.4.2010 whereby the applicant has been transferred from Rajasthan Telecom Circle to Gujrat Telecom Circle. The transfer has been challenged by the applicant on the ground that he has not completed 18 years of service in Rajasthan Telecom Circle and in terms of the policy decision Ann.A/2 the service tenure of 18 years has been prescribed for employees to be eligible for transfer as per para 11, Section-B.

2. According to the learned counsel for the applicant, circle tenure of the applicant is less than 18 years, as such, it was not permissible for the respondents to transfer the applicant. The applicant has also made representation dated 5.5.2010, which has not been decided so far. The learned counsel for the applicant further argued that the Assistant General Manager who has issued the impugned order is not competent to transfer the applicant from one circle to another circle.

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3. I have heard the learned counsel for the applicant at admission stage. In view of the fact that the applicant has made a representation (Ann.A/3) thereby highlighting his grievances and personal difficulties, which has not been decided, I am of the view that ends of justice will be met if direction is given to respondent No.1 to decide representation of the applicant (Ann.A/3) by passing a reasoned and speaking order thereby dealing all the contentions so raised by the applicant in the representation including the ground of competency to issue the impugned transfer order as argued. Accordingly, respondent No.1 is directed to decide representation of the applicant by passing a reasoned and speaking order within a period of two weeks from the date of receipt of a copy of this order.

4. In terms of the observations made hereinabove, the respondents are directed to maintain status quo qua the applicant. It is however, clarified that in case the respondents are willing to retain the applicant at the present place of posting till disposal of the representation, the aforesaid order will not come in the way of the respondents.

WZ

5. With these observations, the OA stands disposed of at admission stage.



(M.L. CHAUHAN)
Judl. Member

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