

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 13th day of July, 2010

OA No.323/2010

CORAM:

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

B.C.Joshi
s/o Shri Ram Pal Joshi,
r/o IV/3, B.S.N.L. Officers Colony,
Housing Board, Banswara and
presently working as
Sub Divisional Engineer (Phones)
Office of GMTD, Bharat Sanchar Nigam Limited,
Banswara under transfer to Ajmer and
thereafter to M.P. Telecom Circle.

.. 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 Mathur Lane, Jan Path, New Delhi.
2. Chief General Manager, Telecom, Rajasthan Circle, Sardar Patel Marg, Jaipur.
3. Assistant General Manager (Pers-II), Corporate Office, Personnel-II Section, Bharat Sanchar Bhawan, 4th Floor, Janpath, New Delhi.
4. General Manager, Telecom District, Bharat Sanchar Nigam Limited, Banswara.

.. Respondents

(By Advocate:)



ORDER (ORAL)

The applicant is aggrieved by the impugned order dated April 23, 2010 (Ann.A/1) pursuant to which another impugned order dated 9.7.2010 (Ann.A/10) has been passed. The case of the applicant is that he was posted in Banswara on 2.7.2007 which has been declared as hard/difficult area in terms of policy decision dated 17.10.2001 (Ann.A/2) and 23rd June, 2010 (Ann.A/8). Pursuant to the aforesaid policy decision, the applicant was required to be posted at a place of his choice after completion of the tenure of two years. Accordingly, the applicant was transferred and posted at Ajmer vide order dated 9.4.2010 (Ann.A/4). Now vide impugned order dated April 23, 2010 i.e. within a period of 15 days, the applicant has been transferred from Rajasthan Telecom Circle to M.P. Telecom Circle ignoring the order of posting of the applicant at Ajmer. According to the learned counsel for the applicant, such a course was not permissible to the respondents.

2. The applicant has also made a representation dated 28.4.2010 (Ann.A/5) against the impugned transfer order to the General Manager (Personal), Corporate Office, Jan Path, New Delhi, which has not been disposed of so far.

3. In view of what has been stated above and the fact that representation of the applicant is still pending, I am of the view that the present OA can be disposed of at admission stage with direction to respondent No.1 to decide representation of the applicant (Ann.A/5) by passing reasoned and speaking order,



keeping in view the fact that the applicant after serving at hard station was entitled to be posted at the place of his choice and such request of the applicant was also accepted and, prima-facie, under the aforesaid facts and circumstances, transfer of the applicant was not justified. Till the representation of the applicant is not decided by respondent No.1, operation of the impugned order dated April 23, 2010 as well as relieving order dated 9.7.2010 (Ann.A/10) so far it relates to the applicant shall remain stayed and the applicant shall be permitted to work at the present placing of posting.

4. The OA shall stand disposed of accordingly at admission stage in the aforesaid terms.


(M.L. CHAUHAN)
Judl. Member

R/