

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 15th day of July, 2010

OA No.325/2010

CORAM:

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

R.G.Sinsinwar
s/o Shri Kishan Singh,
resident of C/o Chhoti Saini,
behind BSNL office, Baswa Road,
Bandikui and presently working as
Sub Divisional Officer (Phones),
Bandikui, under PGMTD, Jaipur

... 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 Chander 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.

.. Respondents

(By Advocate:)

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ORDER (ORAL)

The grievance of the applicant in this case is regarding his transfer vide impugned order dated 23.4.2010 (Ann.A/1) from Sub Division Office (Phones), Bandikui to M.P. Telecom Circle pursuant to which another order dated 17.5.2010 (Ann.A/4) has been issued. The learned counsel for the applicant submits that these orders have not been implemented so far and the applicant is still continuing to work at Bandikui. The applicant has also made grievance regarding his transfer vide representation dated 7.5.2010 (Ann.A/3). In the OA the applicant has also pleaded additional grounds regarding violation of policy, inasmuch as, the applicant has not completed the station tenure of 10 years and circle tenure of 18 years, as such, it was not permissible for the respondents to transfer the applicant out of circle.


2. I have heard the learned counsel for the applicant at admission stage. As can be seen from the allegations levelled in the representation Ann.A/3, the applicant has been transferred out of circle pursuant to the report submitted by the vigilance. The learned counsel for the applicant submits that even if retention of the applicant at Bandikui was not justified, the applicant ought to have been transferred within the circle as the applicant has not completed the requisite tenure as stipulated in the policy, but in any case, it was not permissible for the respondents to transfer the applicant out of circle, which has caused great hardship to the applicant.

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3. I have given due consideration to the submissions made by the learned counsel for the applicant. The contention so raised by the applicant cannot be rejected outrightly, but the fact remains that the applicant has not raised such contentions before the authority concerned, as can be seen from the representation Ann.A/3. Thus, without going into merit of the case, I am of the view that in case the applicant makes fresh representation within a period of one week from today to respondent No.1, in that eventuality, respondent No.1 shall dispose of the said representation within a period of one month by passing speaking and reasoned order.

4. As per the contention raised by the learned counsel for the applicant, the applicant has not been relieved so far. Under these circumstances, the respondents shall consider desirability of retention of the applicant at Bandikui or posting against the non-sensitive post within the circle till representation is not disposed of.

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


(M.L. CHAUHAN)
Judl. Member

R/