

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 26th day of July, 2010

ORIGINAL APPLICATION NO.350/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Mahesh Narayan Meena son of Shri Rambux Meena aged about 37 years, resident of C-162, Malviya Nagar, Alwar and presently working as Sub Divisional Engineer (Telegraph), Office of GMTD, Alwar.

.....Applicant

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

VERSUS

1. Bharat Sanchar Nigam Limited through its Chairman and Managing Director, Corporate Office, Bharat Sanchar Bhawan, Harish Chander Lane, Jap Path, New Delhi.
2. Chief General Manager, Telecom, Rajasthan Circle, Sarder Patel Marg, Jaipur.
3. Assistant General Manager (Pers. II), Corporate Office, Personnel-II Section, Bharat Sanchar Bhawan, 4th Floor, Jan Path, New Delhi.

.....Respondents

(By Advocate:

ORDER (ORAL)

This is the second round of litigation. Earlier, the applicant had filed OA No. 324/2010, which was permitted to be withdrawn vide order dated 13.07.2010 with liberty reserved to the applicant to file substantive OA for the same cause of action. After withdrawal of the earlier OA, the applicant has made a fresh representation dated 15.07.2010 (Annexure A/7) to the respondents whereby one of the grounds agitated by the applicant is that his transfer vide impugned order dated 23.04.2010 (Annexure A/1) to another circle is in violation of the transfer policy as the applicant has not completed the

prescribed tenure of 18 years. Learned counsel for the applicant further submits that the applicant has not been relieved so far.

2. I have heard the learned counsel for the applicant at admission stage. One of the contentions raised by the applicant before this Tribunal was that even ^{if} the transfer of the applicant was warranted in public interest, in that eventuality, it was permissible for the respondents to transfer the applicant in the same circle to another post or in ^{nor} ₁ sensitive post but it was not permissible for the respondents to transfer the applicant out of the circle, which has caused great hardship/ prejudice to the applicant.

3. I have given due consideration to the submission made by the learned counsel for the applicant. The contention so raised by the applicant cannot be rejected out rightly and the same is required to be considered by the appropriate authority. Since the applicant has made a fresh representation dated 15.07.2010 (Annexure A/7) to Deputy General Manager (Personnel-II), New Delhi, which has not been disposed of so ^{far}, I am of the view that the present OA can be disposed of with a direction to respondent no. 1 to decide the representation of the applicant dated 15.07.2010 (Annexure A/7) within a period of one month from today by passing a reasoned & speaking order. Since 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 the desirability of retention of the applicant at the present place of posting till his representation is not disposed of.

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

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

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