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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

20.09.2011

OA No. 335/2011

Mr. P.N. Jatti, counsel for applicant.
Mr. B.K. Pareek, proxy counsel for.
Mr. T.P. Sharma, counsel for respondents.

Learned counsel appearing for the applicant seeks further time to place the copy of the order passed in O.A. No. 322/2011 – J.P. Meena vs. Union of India & Ors.

Put up the matter for hearing on 22.09.2011. I.R. to continue till the next date.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

Kumawat

22/09/2011
OA 335/2011

Mr. P. N. Jatti, Counsel for applicant.
Mr. B. K. Pareek, Proxy Counsel for
Mr. T. P. Sharma, Counsel for respondents.

Heard.

The O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
[Anil Kumar]
Member (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 335/2011

DATE OF ORDER: 22.09.2011

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Mahadev Prasad Meena S/o Shri Birdi Chand Meena, by caste Meena, aged about 53 years, R/o Pl. No. 131, Govind Puri, Sodala, Ajmer Road, Jaipur, presently working as Telephone Mechanic (TM) O/o SDE-Cable, Central-I O/o PGMTD, Jaipur-10.

...Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Chairman, Bharat Sanchar Nigam Limited, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom, Rajasthan Circle, Jaipur-8.
3. Principal General Manager, Jaipur Telecom District BSNL, Jaipur-10.
4. SDE-Cable-Central-I, O/o PGMTD, Jaipur-10.

...Respondents

Mr. B.K. Pareek, proxy counsel for
Mr. Tej Prakash Sharma, counsel for respondents.

ORDER (ORAL)

The applicant has filed the present Original Application seeking the following reliefs: -

"8.1 That by a suitable writ/order or the direction the impugned order dated 15.07.2011 being an arbitrary order and contradictory to the rules be quashed and set aside.

8.2 That by a suitable writ/ order or the direction the respondents be directed not to transfer the applicant in the month of July.

8.3 Any other relief which the Hon'ble Bench deems fit."

2. The applicant preferred the present Original Application against the transfer order dated 15th July, 2011 (Annex.A/1), by which he has been transferred from the O/o SDE Cable Central,

Anil Kumar

AM (Central) to the O/o AM (Rural). This Tribunal while issuing the notices to the respondents vide order dated 01.08.2011 passed interim order to the extent that so far as the applicant is concerned, he may not be relieved pursuant to the impugned order dated 15.07.2011 (Annex. A/1), if he has not been relieved so far.

3. Heard the learned counsels appearing for the respective parties and carefully perused the pleadings and documents on record.

4. Both the learned counsels for the parties are agreed that the controversy involved in the present case is squarely covered by the order dated 15.09.2011 passed by this Bench of the Tribunal in OA No. 322/2011 (J.P. Meena vs. Union of India & Ors.) and other similar matters.

5. The operative portion of the order dated 15.09.2011 passed by this Bench of the Tribunal in OA No. 322/2011 (J.P. Meena vs. Union of India & Ors.) and other similar matters, is reproduced as under: -

"5. I have thoroughly considered the impugned order, the guidelines and the policy decision taken by the respondents and also carefully gone through the judgments rendered by the Hon'ble Supreme Court and High Court and, in my considered view, the OAs directed against the transfer order being devoid of merit deserve to be dismissed as these transfer orders are purely made in accordance with the policy to provide chances to the persons who are working in the rural areas.

6. Consequently, the aforesaid OAs are dismissed with no order as to costs.

7. The interim order issued on 26.7.2011 and continued from time to time is vacated."

Anil Meena

6. Having considered the averments made on behalf of the respective parties and upon careful perusal of the pleadings and documents as well as transfer order on record, I am of the considered view that the ratio decided by this Bench of the Tribunal vide order dated 15.09.2011 in OA No. 322/2011 (J.P. Meena vs. Union of India & Ors.) and other similar matters, is squarely applies in the facts and circumstances of the present case, therefore, this Original Application directed against the transfer order being devoid of merit deserves to be dismissed.

7. Consequently, the present Original Application is dismissed with no order as to costs.

8. Therefore, the interim order issued on 01.08.2011 and continued from time to time is vacated forthwith. The order dated 15.09.2011 passed in OA No. 322/2011 (J.P. Meena vs. Union of India & Ors.) and other similar matters (supra) shall form part of this order.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

kumawat