

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 09.07.2013

OA No. 344/2012

Mr. R.P. Sharma, counsel for applicant.
Mr. T.P. Sharma, counsel for respondents.

Arguments heard.

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

(S.K. KAUSHIK)
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 344/2012

DATE OF ORDER: 09.07.2013

CORAM

HON'BLE MR. S.K. KAUSHIK, JUDICIAL MEMBER

Surendra Kumar Jain S/o Shri Padam Chand Shah, aged about 50 years, R/o 63/53, Heera Path, Mansarowar, Jaipur – 302020, O/o BSNL, Mansarovar, Jaipur.

...Applicant

Mr. R.P. Sharma, counsel for applicant.

VERSUS

1. Bharat Sanchar Nigam Limited through Chairman and Managing Director, Bharat Sanchar Bhawan, H.C. Mathur Lane, Janpath, New Delhi – 110001.
2. The Director (HR), BSNL, Bharat Sanchar Bhawan, H.C. Mathur Lane, Janpath, New Delhi – 110001.
3. The Chief General Manager, Telecom, Sardar Patel Marg, Jaipur.

...Respondents

Mr. T.P. Sharma, counsel for respondents.

ORDER (ORAL)

By means of the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant impugned his transfer order dated 11th of May, 2012 by which he has been transferred from Jaipur Telecom District to Nagaur Telecom District.

2. The facts are not disputed.

3. At the outset, learned counsel for the applicant fairly submitted that against his transfer order dated 11th of May, 2012, the applicant has already represented before the

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respondents on 16th of May, 2012 but the respondents have not taken any decision thereupon. Therefore, the applicant will be satisfied if a direction is given to the respondents to decide his pending representation dated 16th of May, 2012 within some stipulated time keeping in view the transfer policy dated 29th of July, 1992.

4. Shri T.P. Sharma, learned counsel for the respondents, fairly submitted that the respondents will comply with the order of this Tribunal and decide the representation of the applicant within the time framed as directed by this Tribunal. He further submitted that after the inception of B.S.N.L., the earlier policy dated 17th of August, 1992 is not applicable, therefore, the applicant cannot get any advantage of the said policy.

5. Be that as it may, considering the submission made by the learned counsel for the applicant, I am of the considered view that it will meet the end of justice to direct the respondents to take a final decision upon the pending representation of the applicant dated 16th of May, 2012 within a period of fifteen days from the date of receipt of a certified copy of this order by passing a detailed, reasoned and speaking order in accordance with the provision of law and the policy on the subject.

6. It is made clear that till the respondents take a final decision upon the pending representation of the applicant dated 16th of May, 2012 as stipulated above, the interim order granted in favour of the applicant shall continue.

7. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application in accordance with the provision of law.

8. In terms of the above, the Original Application is disposed of. Needless to say that I have not expressed any opinion on the merit of the case. No order as to costs.


(S.K. KAUSHIK)
JUDICIAL MEMBER

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