

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

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ORDERS OF THE BENCH

Date of Order: 23.08.2012

OA No. 554/2012

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

Heard learned counsel for the applicant.

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


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 554/2012

DATE OF ORDER: 23.08.2012

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Ishwar Chand Snehi S/o Shri Shiv Prakash Snehi, aged about 45 years, R/o 446, Sector-A, Shri Nath Puram, Kota, presently working as J.T.O. (Junior Telecom Officer) in the O/o G.M.T.D., Kota.

...Applicant

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

VERSUS

1. Chairman, Bharat Sanchar Nigam Ltd., Bharat Sanchar Nigam Ltd. Bhawan, New Delhi.
2. Chief Engineer Manager, Bharat Sanchar Nigam Ltd., Rajasthan Circle, Jaipur.
3. General Manager, Telecom District Bharat Sanchar Nigam Ltd., Kota.

...Respondents

ORDER (ORAL)

The present Original Application has been preferred by the applicant against his transfer order dated 11.05.2012 (Annexure A/1) by which he has been transferred from Kota to Banswara.

2. The transfer order dated 11.05.2012 (Annexure A/1) has been challenged by the applicant on the ground that the same has been issued by the respondents before completion of tenure of 10 years. He also referred to Annexure A/3 order dated 09.07.2012 whereby the respondents / B.S.N.L. has considered the cases of five persons, who were not completed the tenure of posting and their transfer order(s) has been kept in abeyance, whereas the case of the applicant has not been considered by the respondents.



3. To this effect, the applicant has represented before the respondents vide his representation dated 15.05.2012 (Annexure A/4) and the same is pending for consideration. The applicant prayed that the same be considered in the light of the order dated 09.07.2012 (Annexure A/3) by which the transfer order of 05 persons has been kept in abeyance.

4. Having considered the submissions made on behalf of the applicant and as the representation filed by the applicant vide representation dated 15.05.2012 (Annexure A/4) is still pending consideration before the respondents, I deem it proper to direct the respondents to consider the same in the light of the order dated 09.07.2012 (Annexure A/3), as referred hereinabove.

5. In view of the above facts and circumstances of the case, the respondents are directed to consider the representation of the applicant dated 15.05.2012 (Annex. A/4) in the light of the order dated 09.07.2012 (Annex. A/3) and also decide the same strictly in accordance with the provision of law as well as transfer policy and pass a reasoned and speaking order.

6. If the case of the applicant is similar, he may also be given the same treatment as has been given to 05 persons vide Annexure A/3 order dated 09.07.2012.

7. Till the disposal of the representation dated 15.05.2012 (Annexure A/4), the effect and operation of the transfer order dated 11.05.2012 (Annexure A/1) qua the applicant shall remain stayed, and immediately after the decision on the representation, the respondents are at liberty to proceed further as per rules.



8. However, 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.

9. With these observations and directions, the Original Application stands disposed of with no order as to costs.


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat