

28/1

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Date of Decision: 29.01.2016

O.A.No. 060/000507/2014

Surinder Kumar Puri, Staff No. 108108, HRMS No. 199103335, presently working as Sub Divisional Engineer (EB), O/o General Manager Telecom, Punjab Telecom Circle, BSNL, Chandigarh.

.....Applicant

BY ADVOCATE: **Mr. Rohit Seth**

VERSUS

1. Bharat Sanchar Nigam Limited, Corporate Office, 4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110001, through its Chairman-cum-Managing-Director.
2. Senior General Manager (Pers.), Bharat Sanchar Nigam Limited, Corporate Office, 4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi - 110 001.
3. The Chief General Manager Telecom, Bharat Sanchar Nigam Limited, Punjab Telecom Circle, Chandigarh.

.....Respondents

BY ADVOCATE: **Mr. K.B. Sharma proxy counsel for Mr. D.R. Sharma**

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. The present OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief(s):-

- (i) Quash order No. 1-1/2013-Pers.II dated 07.03.2014 (Annexure A-1), whereby applicant had been ordered to be transferred from Punjab Circle to J&K without following transfer rules/policy and by adopting pick and choose policy during the mid-session of the studies of the children of the applicant whose spouse is also serving and quashing thereof.
- (ii) Quash order No. 15-12/2014-Pers.II dated 28th May, 2014 (Annexure A-1A), whereby representation dated 14.02.2014

AS —

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other than for decision of which i.e. dated 22.03.2014 order was passed by this Tribunal on 27.03.2014 in terms of request made for and on behalf of the applicant at the time of hearing of the case for cancellation of their tenure transfer has been rejected without application of mind and by assigning non-existent reasons in violation of the transfer rules and by way of pick and choose, discrimination and by violating the provisions of Articles 14 and 16 of the Constitution of India and for quashing thereof.

- (iii) Direct the respondents to follow the transfer rules and guidelines (Annexure A-3) in right perspective by preparing All India seniority for the purpose of transfer and posting from peace to tenure station at All India level keeping in view the fact that the cadre of the Sub Divisional Engineers is All India Cadre and respondents should follow the principles of longest stayee in their respective circles/place for the purpose of posting to tenure with further directions to produce before this Court All India Seniority List of particulars of stay of officials in all circles for the purpose of tenure posting along with all record relating to modification, cancellation and retention of transfer orders of all officers having All India Service Liability for the last one year.
- (iv) Direct the respondents to allow the applicant to continue at the present place/circle till his turn for tenure posting matures according to all India seniority in terms of the Transfer Rules and Guidelines and for grant of any other relief to which the applicant is found entitled to in law and equity may also be granted in his favour.

2. Written statement has been filed on behalf of the respondents.

3. No rejoinder has been filed on behalf of the applicant.

4. When the matter came up for consideration today, learned counsel for the respondents stated that the present OA had been rendered infructuous since vide order No. 1-1/2015-Pers-II dated 3.11.2015, the applicant had been transferred from J&K Circle to Punjab Circle and hence, the OA could be disposed of.

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5. Sh. Rohit Seth, learned counsel for the applicant does not object to the submission made by learned counsel for the respondents.

6. Hence, in view of the order dated 3.11.2015 transferring the applicant Sh. Surinder Kumar Puri to Punjab Circle, the OA is disposed of as having been rendered infructuous. No costs.

(RAJWANT SANDHU)
MEMBER(A)

Dated: 29.1.2016
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