

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.438/2018

This the 07th day of September, 2018

Mrs. Neelmaben Kamleshkumar Shah
Female, Aged 56 (DOB beign 10.8.1962)
“Neelkamal”, 08 Saraswat Society
B/h. D.Z. High School, 80 Ft.Road
Anand 388 001. Applicant

(By Advocate : Shri S.D.Vasavada, Nilesh Anjana)

VERSUS

1. General Manager
1st Floor, T.E.Building
Pij Road, Office of GMTD
Nadiad – 387 002.
2. Assistant General Managar (Admin)
1st Floor, T.E.Building
Pij Road, O/o. GMTD
Nadiad – 387 002.
3. Director General
Office of BSNL
Room No.804, , Bharat Sanchar Bhavan
H.C.Mathur Lane
Janpath, New Delhi 110 001.

4. Mr. Rakesh Meena
Sub Divisional Engineer (Civil), BSNL
O/o. General Manager Telecom District
Anand 388 001. Respondents

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

The Applicant, in this OA, as pleaded is a lady working as Assistant Office Superintendent(G) under BSNL at Anand has completed 56 years of age and is transferred from BSNL, Anand to BSNL, Nadiad, vide Order dated 19.06.2018. It has been pleaded further that transfer order is in violation of terms and instructions of Transfer Policy, issued on 07.05.2008 and the applicant has submitted Representation on 30.08.2018, which is still lying pending and therefore being aggrieved, present OA has been preferred.

2. The matter is at the stage of notice and learned counsel pressing for issuance of notice on the OA and requesting for stay of transfer order, as interim relief, urged that only grievance of Applicant is that her Representation dated 30.8.2018 with the Respondent No.2 is still lying pending, the Respondent No.2 is not disposing off the same and is pressing her to handover the charge

and to join at new place of posting and therefore, in compelling circumstances, Applicant had to prefer this OA. Learned counsel stating that applicant is running in 57th year of her age, contended that Transfer Order is in violation of Transfer Policy and to fortify his said submission, he referred to Clause-III of Para 13 of Section D having head “Additional Guidelines specific to Non-Executives” of BSNL’s Employee Transfer Policy (Annexure A-6). Said clause reads :

“13.(iii) Generally, transfer of employees who are more than 55 years of age as on 31st March of that financial year would be avoided for posting to tenure stations. Employees of 56 years or more (as on 31st March of the particular financial year) shall normally be exempted from transfers involving change of station. However, they can be rotated on the basis of seat/section tenure at the same station.”

3. Learned counsel also urged further that in given sets of facts, if Respondent No.2 is directed to dispose off the Representation of Applicant in specified period, Applicant would have no grievance. Learned counsel submitted further that the OA may be disposed off at this stage of notice and Respondent No.2 may be directed to dispose of the Representation dated 30.08.2018 of the applicant within the period which the Tribunal deem fit and

proper and not act upon the transfer order till disposal of her Representation.

4. Considered the submissions and perused the record. In view of entirety, the Respondent No.2 is directed to dispose off the representation dated 30.8.2018 of the applicant, if is lying pending, as early as possible, latest within two month from the date of receipt of copy of this order. If representation dated 30.8.2018 of applicant is lying pending, transfer order No. KTD/E-72/Tfr/OS(G)/2018-19/164 dated 19.06.2018 shall remain stayed till the disposal of said representation of applicant. Needless to say the decision taken on representation shall be communicated to the applicant forthwith. Dasti service of this order is permitted.

5. With aforesaid direction and observation, the OA stands disposed off. No order as to costs.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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