

**Central Administrative Tribunal, Allahabad Bench,
Allahabad**

Original Application No. 330/00542/2018

This the 23rd day of May, 2018

Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. R. Ramanujam, Member (A)

Man Singh Patel son of Ram Pati Patel, resident of Quarter No. 16, Type 4, Angarh BSNL Colony, Mirzapur. Presently posted as Sub Divisional Engineer (Civil) District- Mirzapur.

Applicant

By Advocate: Sri Pankaj Srivastava

Versus

1. Union of India through the Chief Managing Director, BSNL, Corporate Office- New Delhi.
2. The Chief General Manager (Telecom) East Circle, Lucknow.
3. GMTD, BSNL, East Mirzapur.

Respondents

By Advocate: Sri Arvind Mishra

ORDER

By Hon'ble Mr. Sanjeev Kaushik, Member (J)

The applicant has assailed his order of transfer dated 12.2.2018 whereby the applicant has been transferred from Mirzapur TD to Lakhimpur TD.

2. The applicant has taken various grounds for invalidation of impugned order. One of such ground is that transfer is against the transfer policy dated 7.5.2008 and secondly, that his transfer is also against the couple policy. Since the wife of the applicant is working at Mirzapur, therefore, in terms of policy, as far as possible, the couple is allowed to continue at a particular station.

Therefore, the impugned order of transfer is bad in law on this count alone.

3. In support of his plea, Sri Srivastava learned counsel appearing on behalf of applicant vehemently argued that as per policy, the applicant is allowed to continue at Mirzapur for a period of 10 years and before completing 10 years, impugned order has been passed. Therefore, the same is in violation of transfer policy and liable to be set aside.

4. He also submitted that before approaching this Court, the applicant has also served a representation which has not been decided by the respondents. Therefore, he made a submission at bar that applicant will be satisfied if a direction is issued to the respondents to decide his pending representation by passing a reasoned and speaking order, till then the impugned order be stayed.

5. Issue notice. Sri Arvind Mishra accepted the notice in advance and appeared. He did not dispute to the disposal of O.A. in above terms.

6. Considering the facts that after his transfer, the applicant had already submitted a representation dated 15.2.2018 which is still pending unanswered, therefore, we deem it appropriate to dispose of this O.A. with a direction to the respondents to decide his representation by passing a reasoned and speaking order in the light of

transfer policy. Let this exercise be carried out within a period of 15 days from the date of receipt of certified copy of this order. Till disposal of the representation of the applicant, status quo as of today shall be maintained.

7. With the above observations, O.A. is disposed of .
No order as to costs.

(R. RAMANUJAM)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

HLS/-