

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA No. 1848/2014**

New Delhi, this the 11<sup>th</sup> day of January, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)**  
**Hon'ble Mr. P.K. Basu, Member (A)**

Abhishek Kumar (Aged about 34 years),  
Sub-Divisional Engineer/Broad Band Circle (IDC),  
S/o Shri S.P. Sinha,  
R/o C-3, Telecom Staff Quarter (BSNL),  
Vivek Vihar, Delhi-110095. .. Applicant

(By Advocate : Shri V.S.R. Krishna with Shri P.K. Ghosh)

Versus

Union of India through

1. Secretary (Telecom.),  
Department of Telecom,  
Govt. of India,  
Sanchar Bhawan, Ashok Road,  
New Delhi.
2. CMD BSNL,  
Bharat Sanchar Bhawan,  
Janpath,  
New Delhi-110001.
3. Sr. General Manager,  
[Personal]/GM [Personal],  
4<sup>th</sup> Floor, Bharat Sanchar Bhawan,  
Janpath,  
New Delhi-110001. .. Respondents

(By Advocate : Shri Manjeet Singh Reen for R-1 and  
Shri Rajnish Prasad for R-2 & R-3)

**ORDER (ORAL)**

Heard the learned counsel for both the sides.

2. The applicant, who is a Sub-Divisional Engineer in the respondents – BSNL and working at BBNW at New Delhi, filed the O.A. questioning the Annexure A-1 dated 16.05.2014, where under the respondents have passed orders to relieve the applicant and others, who were transferred to different stations vide promotion and posting order dated 02.07.2013.

3. Though the applicant earlier has not filed and questioned the aforesaid promotion and transfer order dated 02.07.2013, however, he filed MA 1739/2014 in the O.A. bringing the said order on record, which was allowed by an order dated 10.06.2014 of this Tribunal.

4. This Tribunal, on 10.06.2014 itself, also directed the respondents not to implement the transfer order dated 02.07.2013 qua the applicant as the applicant was not relieved till that date, though the transfer order was issued on 02.07.2013 itself.

5. Since the original transfer order was passed on 02.07.2013 and since the applicant has been continuing in the same place by virtue of the orders of this Tribunal till date, i.e. for almost three

years, and since the circumstances for transferring a Govt. servant from one place to another and also the reasons seeking retention at a particular place by a public servant keep on changing year after year, we deem that ends of justice would be met if the applicant is permitted to make a fresh representation seeking retention at Delhi and the respondents are directed to consider the same and pass appropriate orders thereon, in accordance with their policy/rules and the current administrative exigencies, within a fixed timeframe.

6. Accordingly, the O.A. is disposed of by permitting the applicant to make a fresh representation seeking his retention at Delhi explaining reasons within three weeks from today and on receipt of such a representation from the applicant, the respondents shall consider the same and pass appropriate speaking and reasoned orders thereon, in accordance with law, within two months therefrom. Till then, the respondents shall not disturb the applicant from his present place of posting. No costs.

**(P.K. BASU)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

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