

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00199/2018

DATED THIS THE 1st DAY OF AUGUST 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Sri.Unnikrishnan K.G. 57 years,
HRMS No:198105337 (Staff No: 88024)
S/o Late Sri.V.Govindan Nair,
Occn: Deputy General Manager (Finance),
O/o Principal General Manager,
BGTD, Bengaluru: 560 001.
Residing at No.160, 'Sriniket'
7th 'A Cross, 4th Block,
Doddabommasandra,
Vidyaranyapura Post,
Bengaluru: 560 097.Applicant

(By Shri PA.Kulkarni..... Advocate)

Vs.

1.Bharat Sanchar Nigam Limited,
by its Chairman and Managing Director,
Corporate Office (Personnel-II Section)
Bharat Sanchar Bhawan,
4th Floor, Janpath,
New Delhi 110 001.

2.Chief General Manager Telecom,
Karnataka Telecom Circle,BSNL,
No.1, SV.Road,
Halasuru,
Bengaluru 560 008.

3.Principal General Manager
Bengaluru Telecom District (BGTD)
BSNL, Telephone House,
Bengaluru: 560 001.Respondents.

(By Shri Vishnu Bhat , Sr.Panel Counsel)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. The applicant came to Bangalore on 24.9.2012 and he was promoted as DGM on 11.9.2016 . At that time since the applicant's son was studying in Engineering College he asked for a deferment for one year and it was granted. Thereafter, he was accommodated as DGM (Finance) on 1.2.2018 and now he is on transfer and he challenges the transfer on the ground that the tenure of SSSA is 8 years, tenure on post is 4 years and the circle tenure is 12 years. That being so, he must be allowed to stay in that place up to 2024 as he has joined only in 2012.
2. Besides which his wife Smt. Meerabai is working as an Accounts Officer in Bangalore since 2013 and therefore, going by the rule that spouses must be allowed to stay together , they should be allowed to stay at Bangalore.
3. But, respondents have a different case. All these problems arose because they had acceded to applicant's request that if, he is allowed to stay at Bangalore for one more year, then he will have no further complaints. Besides which all the other persons of similar rank have less than 1 ½ years service left for their career and they cannot

be disturbed at all. If, the applicant had to be retained here one other DGM will have to go out and he will have less service than the applicant who has about 2 years and 4 months.

4. At this point of time Shri PA.Kulkarni submits that DGM must be elsewhere also not only in Bangalore. But, then being a senior officer transfers are part of life and the applicant has to accommodate it. He has no other legal claim to base his grievances that he should be allowed to stay here on a comparative basis . If the applicant had to be retained here some other person will have to be removed.

5. At this point of time Shri PA.Kulkarni would submit that there are DGMs elsewhere who may be eligible to go on transfer. But, if we look into the circle seniority, the applicant has more time and since applicant's case is based on circle seniority and the tenure which he enures probably, may not be allowed. Even otherwise also, in the case of very senior officers, these kinds of objections may not be worth while and proper.

4. Therefore, we hold that there is no ground in the OA. OA is, dismissed. No order as to costs.

(DINESH SHARMA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.199/2018

Annexure-A1- Copy of the impugned transfer order dated 15.3.2018
Annexure-A2- Copy of the DGM Finance cadre promotion order dated 9.9.2016
Annexure-A3- Copy of the representation dated 12.9.2016
Annexure-A4- Copy of the forwarding letter dated 12.9.2016
Annexure-A5- Copy of the order dated 6.1.2017
Annexure-A6- Copy of the list of officers belonging to DGM Finance cadre working in Karnataka Telecom Circle as tabulated by the applicant
Annexure-A7- Copy of the BSNL Employees' transfer policy
Annexure-A8- Copy of the CGM BG order dated 1.2.2018 shifting the applicant from Circle office to BGTD.