

OA.No.170/00450/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00450/2018

DATED THIS THE 02<sup>ND</sup> DAY OF AUGUST, 2018

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

**HON'BLE SHRI DINESH SHARMA, MEMBER (A)**

Sri H.R. Ravi Shankar, 57 years,  
S/o Shri H.P. Ramaswamy,  
Occn: Chief Accounts Officer,  
Under Principal General Manager,  
Transmission Projects,  
4<sup>th</sup> Floor, Sanchar Complex,  
WMS Compound, 9<sup>th</sup> Main, 47<sup>th</sup> Cross,  
Jayanagar 5<sup>th</sup> Block,  
Bengaluru: 560 041

.....Applicant

(By Advocate Shri P. A. Kulkarni)

Vs.

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

2. Chief General Manager Projects,  
Southern Telecom Projects,  
25, BSNL Towers, Greenways Lane,  
Raja Annamalai Puram,  
Chennai: 600 028.

3. Principal General Manager,  
Transmission Projects,  
4<sup>th</sup> Floor, Sanchar Complex,  
WMS Compound,  
9<sup>th</sup> Main, 47<sup>th</sup> Cross, Jayanagar 5<sup>th</sup> Block,  
Bengaluru: 560 041

....Respondents

(By Shri A.N. Gangadharaiah, Counsel for the Respondent No.1-3)

O R D E R (ORAL)

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

Heard. The matter in issue is very small. The respondents case is that

the applicant had served in Bangalore all his life except for a period of 14 months. Per contra the applicant submits that in fact he was promoted as DGM and transferred out of Bangalore but because of his personal problems as reflected in the representation he has given he has refused the promotion which has been accepted by the BSNL Corporate office with a stipulation that he will not be eligible for consideration for promotion for one more year, that is till the end of 2017. In the meanwhile the applicant is again transferred out whereas he has only 1 year and 10 months service left and he is more than 57 years old as by the guidelines a person beyond 57 years should not be transferred out except for very significant reason.

2. The respondents counsel would say that it is for administrative reason that he had been now transferred. What is that administrative reason is not forthcoming either in the reply or in the hearing. Whatever that may be, a person on the end of his career having only 1 year and 10 months service cannot be transferred out except through his choice. The rules and law being so this transfer is not correct. The applicant will be allowed to continue at the place of his choice.

3. The OA is allowed. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/00450/2018**

Annexure A1 Copy of the BSNL transfer rules

Annexure A2 Copy of the corporate office letter dated 17.11.2016

Annexure A3 Copy of the R2 letter dated 23.06.2017

Annexure A4 Copy of the impugned transfer order dated 09.04.2018

Annexure A5 Copy of the representation dated 16.04.2018

Annexure A6 Copy of the R2 orders dated 26.04.2018

Annexure A7 Copy of the R3 orders dated 28.04.2018

**Annexures with reply statement**

Nil

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