

**Central Administrative Tribunal  
Madras Bench**

**MA/310/00568/2018 (in)(&) OA/310/01327/2018**

**Dated 14<sup>th</sup> November Two Thousand Eighteen**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

1. G.S.Rameshkumar
2. R.Gowri
3. J.Immaculate

.. Applicants

By Advocate **M/s.N.K.Srinivasan**

**Vs.**

1. The Chief General Manager,  
Bharat Sanchar Nigam Limited,  
Chennai Telephones,  
78, Purasawalkam High Road,  
Chennai 600 010.
2. The General Manager(Admin & HR),  
Bharat Sanchar Nigam Limited,  
Chennai Telephones,  
78, Purasawalkam High Road,  
Chennai 600 010.
3. The Principal General Manager(NWO),  
[South Business Area],  
BSNL, Chennai Telephones,  
40-E, Thiru Vi Ka Industrial Estate,  
Guindy, Chennai 600 032.
4. The Deputy General Manager(HR&Admn),  
BSNL, Chennai Telephones,  
89, Millers Road, Chennai 600 010.

.. Respondents

By Adovacte **Mr.B.Mohan**

**ORDER**

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

MA for joining the applicants together and filing a single application is allowed.

2. The applicant has filed this OA seeking the following relief:-

“To set aside the orders issued by the fourth respondent vide Lr.No.CPT ADMN/TFR/2018-19 dated 10.9.2018 and direct the respondents to call for fresh option among the staff of Guindy building and the guidelines and orders issued by the Corporate Office in this regard, may be followed accordingly.

The Tribunal may be pleased to issue interim stay till the outcome of the issue before this Hon'ble Tribunal.

To pass such further other orders as this Tribunal may deem fit and proper in the circumstances of the case.”

3. The applicants' case is that the applicants three in number are working in the Administration Section of Chengalpet SSA(CPT SSA) functioning at Guindy office of BSNL and it is under the overall administrative control of Chennai Telephones. Prior to 2005, the telephone services of peripheral Chennai area was provided by Chengalpet SSA with Headquarters at Eldoms Road, Chennai under Tamil Nady Telecom Circle. Later a decision was taken to convert the telephone numbers of Peripheral Chennai area into Chennai local numbers in 2005. The Chengalpet SSA was thereafter trifurcated into 3 divisions and brought under the control of General Managers of North, South and West. After dismantling the office of GM of CPT SSA at Eldoms Road, options were called from the employees and there was a circular

issued by Chennai Telephones that they would not be disturbed against their willingness which is produced as Annexure A3. Some of the staff opted to work at Guindy building and the applicants are working in the Admin. Section of CPT SSA in the Guindy building. Now the respondents have decided to shift the Admin. Section to Office of the DGM(HR&Admn.) situated at 10, Millers Road, Chennai. According to the applicant, the shifting of the section is unwarranted and will cause disturbance to the staff. It is against assurance given by the management earlier. According to the applicants, they had all filed options to be retained at the office at Guindy building. But the respondents had posted first applicant to the office at Kushkumar Road, Nungambakkam and second and third applicants were posted to Millers Road as per Annexure A3. According to the applicants, all of them are aged more than 50 years and the present transfer and posting creates a lot of difficulties to them as it was done in the middle of the academic year. The transfer and posting are against the principles of modern management and it is also against the guidelines issued by BSNL as Annexure A5 and A6. The applicants also sought for an interim order of stay of the transfer order passed against the applicants.

4. Notice was issued to the respondents on the IR and in the OA and the respondents had entered appearance and filed a detailed reply and objection to the IR sought.

5. The respondents in their reply had admitted the merger of Chengalpattu SSA with the Chennai Telephones in the year 2005 and they also admitted that the applicant is working at Chengalpattu SSA Admin section at Guindy building. Earlier

the Admin office of Chengalpattu SSA was functioning at Eldams Road, Teynampet and thereafter shifted to Guindy under the control of DGM(Admn) with one Divisional Engineer and one Sub Divisional Engineer (Admin.) alongwith subordinate staff. Over a period of time, many of the employees of Executive and Non-Executive levels had retired and the work-load of Chengalpattu SSA (Admin.) section has come down. Accordingly, the functions of DE (Admin.) and SDE (Admin.) at Chengalpattu SSA was given as additional charge to the Assistant General Manager(Admin.) and SDE (Admin.) of Chennai Telephones working at Millers Road, Purusawalkam. At present the Executive staff of the Chengalpattu SSA Admin is functioning at the Millers Road, Chennai and the non-executive staff including the applicants (4 in Nos.) working under the Chengalpattu SSA (Admin.) office at Guindy. So, there is no direct supervision of Executive staff over the Admin section which is functioning at Guindy building. It was also stated that the work-load of Chengalpattu SSA has drastically come down now and it required rationalization and downsizing of its manpower. So, the management decided to relocate the Admin unit to Millers Road where executive functions are already going on. The proposal for shifting the unit came in the 22<sup>nd</sup> Circle Council Meeting held on 26.10.2017 wherein the recognised unions of the executive and non-executive staff participated and the Minutes of the Meeting were produced as Annexure R1. The staff side represented by the two unions requested time till 31.12.2017 for further decision. In the 23<sup>rd</sup> Circle Council Meeting held on 24.5.2018, the issue came up and a decision was arrived at as point No.13 (Annexure R2). The said Minutes were approved by

the GM, Chennai Telephones on 29.6.2018 and in furtherance of the above decision, it was decided to take further steps. On verification, the respondents found that 2 clerical staff i.e. 50% of the clerical staff was decided to be continued in the Admin section as it is necessary for continuity of Admin work. The respondents also decided to release the remaining 2 clerical staff and 2 Group-D staff to be absorbed in the available vacancies based on seniority and availability of posts. There were altogether 4 clerical staff in the Chengalpattu SSA unit including the applicants. All the 4 people had given their option to retain in the same office at Guindy as Annexure A5 and it necessitated for the respondents to take a decision on the basis of principles followed earlier. The respondents decided that the longest serving personnel in the office will be shifted first and he is posted at Nungambakkam office. The remaining 2 clerical staff are retained in the Chengalpattu SSA Admin unit at Millers Road. Orders were issued as Annexure R7. Eventhough relieving orders were issued on 03.10.2018 as Annexure R8, the applicants took leave and they are not coming to the office from 04.10.2018. So, the respondents sent the relieving orders by speed post on 18.10.2018 to the applicants but the applicants failed to report for duty till date and it is causing much difficulty to the offices where they were posted. According to the counsel for the respondents, the second and third applicants were posted at Millers Road which is only 11 kilometers from Guindy office and there is no change of duties and there is no change in the pay and salary also. No hardship is caused to the applicants since it is a nearby office of BSNL in Chennai itself. Eventhough the applicants would contend that the transfer was effected in the middle of the academic

year, the applicants had no such case in the representation given as Annexure R9. There is no change of Headquarters.

6. Heard both counsel. We have perused the pleadings from both sides and heard the counsels appearing. The 23<sup>rd</sup> Circle Council Meeting held on 24.5.2018 had taken a decision to shift the Admin unit to the Office of the DGM, Millers Road and it was also decided that 2 junior most persons working as clerk will be posted to the office at Millers Road and remaining 2 will be posted in the other two offices. This decision was taken on 24.5.2018. Accordingly, options were called from the 4 persons working in the unit of Guindy office for considering to the vacancies available at that time as per Annexure A2. Since all the applicants insisted on continuing at Guindy office, the respondents were compelled to take a decision on the basis of various factors governing transfer and the first applicant was posted at the office AGM (Building and Planning), Kushkumar Road, Nungambakkam and second and third applicants were retained in the Admin unit of Chengalpattu SSA which is shifted to Millers Road under DGM(Admin&HR). The main contention of the applicants is that there was no necessity for shifting the Admin section to Millers Road causing much expenditure and difficulty to staff. They also contended that as per circular issued by Chennai Telephones which is produced as Annexure A7 dated 17.11.2005 it was undertaken that no one of employees working in the office of GM, CPT will be posted to areas outside Chennai unless otherwise you make your own such request during the ensuing redeployment resultant to merger and no one will be posted to a place without your willingness. It was also contended that transfer made

in this case is against the transfer guidelines produced and marked as Annexure A5 issued by BSNL.

7. On going through Annexure A7 it can be seen that this circular was issued on 17.11.2005 at the time of integration of Chengalpattu SSA with Chennai Telephones and it was issued after discussion with Association. The said circular has made it clear that administration is not at all interested in disturbing the employee unnecessarily and it was mentioned at that time that in order to avoid confusion it was stated that *“(1) no one of you working in the office of GM, CPT will be posted to areas outside Chennai unless otherwise you make your own such request during the ensuing redeployment resultant to merger, (2) Options will be called for from both the Executive and Non-Executive staff showing the vacancies/requirements in Chennai, (3) In addition, requests to places of your won choice will also be considered to the extent possible, (4) None of you will be posted to a place without your willingness and (5) To the extent possible, you will be posted to a place nearer to your residence.”* It is also made clear that the idea of the Administration behind stating all the above is to ensure the welfare of the staff and its commitment to the principle that no one need be either financially or physically affected due to the merger of CPT SSA with Chennai Telephones. After issuance of the said circular more than a decade is over and if we go through the reply furnished by the respondents, it can be seen that only 4 persons with regard to CPT SSA division is only working at Guindy office and they had also stated that the workload of Admin section has come down drastically and many of the officers who are working in the section had retired and the

Management had taken a decision to shift the Admin section to Millers Road for working it under the control of the SDE and DE Admin functioning at Millers Road. The main reason for the shifting of the office from Guindy to Millers Road is clearly stated in the Minutes of the Circle Council Meeting. The Executive officers of Admin section are working at Millers Road and the 4 subordinate persons are working at Guindy building without any supervision of the executive side. So, the CCC after consultation with the recognised association had decided to shift the office of CPT SSA Admin. section to Millers Road office under DGM. They had also taken a decision in the meeting that only 2 clerical staff is required in the 'Admin. section' at present for carrying on the work of CPT SSA (Admin.) and the remaining staff could be absorbed in the nearby office. On going through the Annexure R2 produced by the respondents, it can be seen that the decision taken by the respondents is very sound and there is no arbitrariness or illegality in the said decision as the executive branch is working from Millers Road. The Executive section and the subordinate clerks should be in one place for having a better coordination and effectiveness in working. There is no illegality seen in the above decision of the CC Meeting in this regard. The said minutes of the meeting was approved by DGM and options were called from the applicants to the various units situated in Chennai itself. All the applicants took a negative stand and insisted on continuing at Guindy office of the BSNL and the respondents had to take a decision on the basis of various factors like seniority, tenure, etc. They have posted the first applicant to Nungambakkam office and the second and third applicants to the 'Admin.' unit of CPT SSA which is working



at Millers Road. The second and third applicants were posted there as it is necessary for continuance of the functions of 'Admin.' section there. So, from the above discussion, it can be seen that there is nothing available to show that the decision to shift the CPT SSA Admin section to Millers Road is against the principles of transfer guidelines or any condition imposed earlier. It has come out before the Tribunal that the work of CPT SSA Admin had substantively reduced and no purpose will be served in continuing the CPT Admin office at Guindy. It is the privilege of the respondents to decide from where the office has to function. The decision was taken in the CC meeting where the representatives of Executive and Non-Executive staff had also participated and we do not find any merit in the contention that the decision to shift the office is illogical and unnecessary in this case. We have also carefully gone through the representations given by the applicants 1 to 3 which is produced as Annexure A2 in this case. There is no mention of any children studying at Guindy and there is no objection seen raised regarding the transfer in between the academic year. So, it is clear that this objection was raised only as an after thought. The respondents had called for the options of all the 4 persons working in CPT SSA Admin section and they had taken a decision on sound principles regarding reallocation of staff and shifting of office in this case. We do not find any merit in the contention put forward by the applicants in this matter. We could not find any arbitrariness or illegality in the orders challenged by the applicants in this case. The balance of convenience is in favour of the respondents. The applicant had also failed in making out a case of irreparable injury caused to the applicants. There is no

change in the station and no extraordinary difficulty is brought out before us against the implementation of the order. So, we find that the OA is misconceived and it lacks merits. OA will stand dismissed. No costs.

(T.Jacob)  
Member(A)

14.11.2018

(P.Madhavan)  
Member(J)

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