

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No. 321/2018

Date of Decision : 2nd May, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

*Mr. Navnath Ramdas Jare
 working as Office Superintendent,
 MIDC Telephone Exchange, BSNL
 Ahmednagar (under transfer)
 residing at Plot No.160, Parth,
 Near Nayyar School, Namdeo Nagar,
 Savedi, Ahmednagar.* - *Applicant*
(By Advocate Shri S.V. Marne)

Versus

1. *Bharat Sanchar Nigam Limited
 government of India Enterprise
 through Chief General Manager,
 Maharashtra Circle
 Juhu Road, Santacruz, Mumbai – 400 054.*
2. *The Principal General Manager,
 Telecom,
 Bharat Sanchar Nigam Limited
 DTO Compound, Near GPO,
 Ahmednagar – 410 001.* - *Respondents.*
(By Advocate Shri V.S. Masurkar)

ORDER (ORAL)

PER: SHRI ARVIND J. ROHEE, MEMBER (J)

Today Division Bench is not available.
 Hence, the matter is taken up before Single
 Bench.

2. Heard Shri S.V. Marne, learned Advocate for the applicant when the matter is called out for Admission. I have carefully perused the case record.

3. The applicant is presently working as Office Superintendent at MIDC Telephone Exchange, BSNL Ahmednagar under respondent No.2. He has grievance regarding impugned order dated 19.03.2018 issued by respondent No.2 by which he is transferred from present station to Karjat in the same district in the same capacity. The impugned transfer order has been challenged mainly on two grounds viz. physical disability of more than 40% and 85 persons who are senior to him having longer stay in Ahmednagar have not been considered for transfer. Violation of the transfer policy regarding longest stay is also alleged.

4. It is submitted by learned Advocate for the applicant that although the official working at Shrirampur in Ahmednagar District is posted vice the applicant at MIDC Telephone Exchange, BSNL Ahmednagar as per impugned order of transfer, that the applicant is not served with the relieving order so far. However, he

further submitted that the respondent No.2 has allowed the incumbent from Shrirampur to join in place of the applicant behind his back. It is also stated that the applicant is presently on leave in connection with daughter's marriage.

5. At this stage, Shri V.S. Masurkar, learned standing counsel appeared for the respondents. Heard him also on the prayer for interim relief, to stay the effect, implementation and operation of the impugned transfer order. He collected copies of OAs also.

6. Considering the fact that the incumbent from Shrirampur has already joined at MIDC Telephone Exchange, Ahmednagar vice applicant, there is no question to grant of any stay to the impugned transfer order, since it is already implemented.

7. The record further shows that the applicant submitted representations dated 22.03.2018 (*Annexure A-3*) and 03.04.2018 (*Annexure A-5*) for cancellation of the impugned transfer order. Learned Advocate for the applicant further submitted that the applicant

will make further representation to the respondent No.2 to transfer him anywhere within city of Ahmednagar.

8. In view of above, the OA stands disposed of with a direction to the respondent No.2 to consider and pass a reasoned and speaking order on the two pending representations of the applicant and third one to be submitted by him within a period of one week, in accordance with law and particularly taking into consideration the provisions of the DoPT OM dated 31.03.2014 on the subject "Guidelines for providing certain facilities in respect of persons with disabilities who are already employed in Government for efficient performance of their duties' and the relevant provisions of the transfer policy dated 07.05.2008, within a period of two weeks from the date of receipt of a certified copy of this order.

9. The order so passed shall be communicated to the applicant at the earliest who will be at liberty to approach the appropriate forum, in case his grievance still persists.

10. The OA stands disposed of with the aforesaid directions at the admission stage without making any comments on merits of the claim.

11. Registry is directed to forward certified copy of this order to both the parties at the earliest, for taking appropriate steps in the matter.

Dasti.

(A. J. Rohee)
Member (J)

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