

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/001546/2018

DATED THIS THE 19TH DAY OF MARCH, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

K.S. Ganesh,
S/o Late Seetharama Aithala,
Aged about 56 years,
Working as Deputy Controller of
Communication Accounts,
Office of the Controller of
Communication Accounts,
Department of Telecommunications,
Amenity Block, CMX Compound,
Palace Road, Bengaluru-560 001.
Residing at No.178, Upstaird,
III Main, III Cross,
Hanumanthanagar,
Bengaluru-560 019.

..Applicant.

(By Advocate M/s. Subba Rao & Co.)

Vs.

1. Union of India
Rep. by the Secretary,
Ministry of Communication,
Sanchara Bhavan,
New Delhi – 110 001.
2. The Director, ,
Department of Telecommunications,
(Door Sanchar Vibhag),
No.20, Ashoka Road,
New Delhi – 110 001.
3. The Controller of Communication Accounts,
Amenity Block, CMX Compound,
Palace Road,
Bengaluru-560 001.

4. Ms. Girija,
Age Major,
Assistant Controller of Communication Account,
Office of the Controller of Communication Accounts,
Amenity Block, CMX Compound,
Palace Road, Bengaluru-560 001. ...Respondents

(By Standing Counsel Shri Vishnu Bhat for R 1-3)

ORDER (ORAL)

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

Heard. The applicant challenges the transfer on multiple grounds. One is that Shri K.N. Ramachandra Bhatta, who is senior in station tenure has been retained and he has been transferred.

2. Shri Vishnu Bhat, learned counsel for the respondents would submit that Shri Ramachandra Bhatta is in Postal Accounts whereas the applicant is in Telecommunication Accounts. Shri Ramachandra Bhatta has been attached with some important and time bound project and he has been retained on administrative exigency.

3. Applicant would submit that he has been promoted on 04.07.2016 and therefore the minimum station tenure of 3 years is applicable to him. So within that time, he cannot be transferred out. But the respondents would say in this connection that the applicant has 11 years of total service in Bangalore and in fact following the promotion on 04.07.2016, the applicant had been transferred to Hyderabad, but then on his request he was allowed to continue at this place.

Therefore, they would say that the station seniority and tenure must be considered on the earlier date and not on the transferred date.

4. The applicant has one more case also, that there is a lady Ms. Girija, who also ought to have been promoted and transferred before him because of station seniority.

5. Shri Vishnu Bhat, learned counsel for the respondents submits that the applicant has about 3 years service left, whereas Ms. Girija will retire in June 2019, that is why she had been retained here and the applicant had been sent out on transfer.

6. The applicant has filed an affidavit saying that due to voluntary retirement, one more vacancy had arisen here. Therefore by June, 2019 obviously there will be two vacancies here.

7. The case of the respondents is that they will consider it at that point of time, if the applicant will submit a representation.

8. Therefore, we will now direct the applicant to submit the said representation indicating the reason for continuance at Bangalore. But at the same time, we will allow the applicant to continue at Bangalore till end of July, 2019. In July, 2019, if the consideration is against him, he is granted liberty to approach the Court.

9. OA disposed of. No costs.

(C.V. SANKAR)
MEMBER(A)

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

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Annexures referred to by the Applicant in OA No.170/01546/2018

1. Annexure A1 : Copy of Order dated 04.07.2016.
2. Annexure A2 : Copy of impugned order of transfer dated 06.08.2018 passed by R-2.
3. Annexure A3 : Copy of transfer policy of the Department issued vide OM dated 28.3.2014.
4. Annexure A4 : Copy of Indian Posts and Telecommunications Accounts and Finance Services (Group-A) Rules 2018.
5. Annexure A5 : Copy of the study certificate issued by Jain College.
6. Annexure A6 : Copy of leave application dated 20.08.2018.
7. Annexure A7 : Copy of letter dated 19.09.2018.
8. Annexure A8 : Copy of Representation dated 07.08.2018.

Annexures referred to by the Respondents in the Reply

- 1 Annexure R1 : Copy of minutes of the meeting dated 26.07.2018 along with its annexures.

Annexures referred to by the Applicant in the Rejoinder

- 9 Annexure A9 : Copy of reply dated 25.09..2018 received under RTI Act from GM (PAF) Bangalore.

Annexures referred to by the Respondents 1-3 in Reply to Rejoinder

- 1 Annexure R1 : Copy of letter dated 09.05.2016.
- 2 Annexure R2 : Copy of letter dated 15.11.2018.
