

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01714/2018

DATED THIS THE 06<sup>TH</sup> DAY OF DECEMBER, 2018

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

**HON'BLE SHRI C V SANKAR, MEMBER (A)**

Sri Andrew Varghese, 40 years,  
S/o Sri V.M. Varghese,  
Occn: SDE NIB,  
BSNL, Under Assistant General Manager-NIB/FTTH,  
Telephone Exchange, 4<sup>th</sup> Floor,  
Halasuru, Bengaluru: 560 008  
(under orders of transfer to Kerala Circle)  
Residing at 412, 7<sup>th</sup> Main Road,  
1<sup>st</sup> Block, HRBR Layout,  
Kalyan Nagar, Bengaluru: 560 043

.....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 Telecom,  
Karnataka Telecom Circle, BSNL,  
No. 1, S.V. Road, Halasuru,  
Bengaluru: 560 008

3. Principal General Manager  
BSNL, Bengaluru Telecom District,  
Raj Bhavan Road, Telephone House,  
Bengaluru: 560 001

4. Assistant General Manager-NIB-FTTH  
BSNL, 4<sup>th</sup> Floor, Halasuru Telephone  
Exchange, Bengaluru: 560 008

5. Chief General Manager Telecom,  
Bharat Sanchar Nigam Limited,  
Trivandrum – 695 033  
Kerala State.

.....Respondents

(By Shri Rama Bhat, Counsel for the Respondents)

ORDER (ORAL)

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

Heard the matter. We heard the learned counsel Shri Rama Bhat who appears for the respondents. Since Shri P.A. Kulkarni, learned counsel for the applicant, submitted that in fact the corporate office has transferred and allotted the applicant to Kerala and the PGM has passed orders to relieve the applicant, the immediate controlling authority, the AGM is not allowing him to go in spite of Annexure-A7 and A8, therefore, we had queried Shri Rama Bhat about this and he would say that applicant had not submitted the fitness certificate as earlier applicant was under medical leave. Vide Annexure-A8 it appears that he had already done so but even otherwise also there is nothing in the rule which will prevent a person from being transferred even when he is under medical leave. Therefore, the fitness certificate as is claimed has no relevance at all. There will be a specific order to the PGM to relieve the applicant tomorrow itself.

2. The OA is allowed to this limited extent. No order as to costs.

(C V SANKAR)  
MEMBER (A)

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

/ksk/

**Annexures referred to by the applicant in OA No.170/01714/2018**

Annexure-A1: Copy of the PGM BGTD order dated 01.06.2018  
Annexure-A2: Copy of the BSNL Corporate Office letter dated 25.07.2016  
Annexure-A3: Copy of the option letter dated 28.07.2016  
Annexure-A4: Copy of the representation dated 04.06.2018  
Annexure-A5: Copy of the transfer order dated 02.08.2018 issued by  
Corporate Office of BSNL  
Annexure-A6: Copy of the follow up order dated 31.08.2018  
Annexure-A7: Copy of the relieving order dated 22.09.2018  
Annexure-A8: Copy of the representation dated 22.09.2018  
Annexure-A9: Copy of the interim order dated 23.05.2018 in O.A. No.  
466/2018

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