

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/20/196/2018

Dated: 26.03.2019

Between:

K. Suresh,
S/o. K. Venkateswarlu ,
Aged 42 years,
Sr. Office Associate,
O/o CGM Telecom,
A.P. Circle, Vijayawada.

í Applicant

A N D

1. Bharat Sanchar Nigam Limited
(A Government of India Enterprise) rep. by its
Chairman and Managing Director,
Corporate Office,
Bharat Sanchar Bhavan, Janpath,
New Delhi ó 110 001.
2. The Deputy General Manager (SR),
SR Cell, Corporate Office, 8th floor,
Bharat Sanchar Bhavan,
Harish Chander Mathur Lane,
Janpath, New Delhi ó 110 001.
3. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Telangana Telecom Circle,
Door Sanchar Bhavan,
Abids, Hyderabad.
4. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Andhra Pradesh Telecom Circle,
Vijayawada.
5. S. Om Prakash Jaiswal,
S/o. Not known, aged 43 years,
Sr. Office Associate, District Secretary,
BSNLEU, BSNL,
Telangana Circle Office,
Hyderabad
R/o. 18-3-463/1/A/11/1,
Renuka Colony, Rajanna Bavi, Hyderabad.

.... Respondents

Counsel for the Applicant : Mr. P. Venkata Rama Sarma

Counsel for the Respondents : Mr. M.C. Jacob, SC for BSNL

CORAM:

Hon'ble Mr. Justice R. Kantha Rao, Member (J)

Hon'ble Mr. B.V. Sudhakar, Member (A)

ORAL ORDER

[Per Hon'ble Mr. Justice R. Kantha Rao, Member (J)]

After formation of the State of Telangana on account of bifurcation of the State of composite Andhra Pradesh, options were called from the employees of the BSNL for allocating them to Vijayawada Circle. The options were submitted and the Committee comprising of 3rd & 4th respondents examined the options submitted by the employees. Altogether 72 employees were transferred to Vijayawada Circle. The applicant and the 5th respondent are among them.

2. Earlier to this O.A., the 5th respondent and some others filed O.A. No.1083/2017 assailing their transfer order to Vijayawada Circle. The 5th respondent is the 2nd applicant in O.A. No.1083/2017. The applicants therein were not granted any interim order against their transfer and they joined in Vijayawada Circle. However, subsequently on the representation submitted by the 5th respondent through the Union, the Corporate Office of BSNL exempted him from the transfer from Hyderabad to Vijayawada. No specific reasons were mentioned in the order except stating that it is purely an exceptional case. Learned counsel for the applicant submits that two more employees were exempted from transfer and they are continuing in Hyderabad. It is submitted by the learned Standing Counsel appearing for the respondents that under exceptional circumstances, the 5th respondent was exempted. Since the other two employees are nearing retirement, their cases

were also considered for exemption from transfer. It is contended by the learned counsel appearing for the applicant that the exemption was granted to the 5th respondent in contravention of the guidelines and hence either the exemption has to be set aside or the same benefit has to be granted to the applicant also.

3. From the order of exemption from transfer, it is not known exactly on what grounds, the 5th respondent and two others were granted exemption from transfer. In any event, the 5th respondent was granted exemption from transfer considering his request for retention at Hyderabad. Therefore, we are not inclined to set aside the exemption orders. In this context, it is submitted by the respondents that the applicant and the other employees were transferred to Vijayawada Circle for a specified tenure and they can be again transferred to Hyderabad Circle.

4. Under these circumstances, we direct the respondents to consider the case of the applicant for exemption from transfer to Vijayawada Circle and pass appropriate orders considering his representation dated 3.3.2018 and pass appropriate orders within a period of eight weeks from the date of receipt of this order.

5. With the above direction, the O.A. is disposed of. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (A)

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(JUSTICE R. KANTHA RAO)
MEMBER (J)