

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA  
**OA/050/00372/2018****

Reserved on: 05/02/2019  
Date of Order: 07/02/2019

**C O R A M**

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Vinod Kumar Singh (HR No. 198806834, Staff No. 08324)), Son of Late Sri Khaderu Singh, Principal General Manager, Telecom Project, Bharat Sanchar Nigam Limited, Ground Floor, CTTC Building, Sanchar Parishar, Budh Marg, Patna-800001.

..... Applicant.

- By Advocate: - Mr. M.P. Dixit

-Versus-

1. Bharat Sanchar Nigam Limited through its Chief Manging Director, Corporate Office, Harish Chandra Mathur Lane, Janpath, New Delhi-110001.
2. The Director (HRD), Bharat Sanchar Nigam Limited, Corporate Office, Harish Chandra Mathur Lane, Janpath, New Delhi-110001.
3. The Principal General Manager (PERS), Bharat Sanchar Nigam Limited, Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi- 110001.
4. The Chief General Manager, Bharat Sanchar Nigam Limited, Bihar Circle, Sanchar Bhawan, Near GPO Complex, Buddha Marg, Patna- 800001.
5. The Chief General Manager, Bharat Sanchar Nigam Limited, Eastern Telecom Projects Circle, Door Sanchar Bhawan, 2/5A, Judges Court Road, 6<sup>th</sup> Floor, Kolkata- 700027.
6. The Assistant General Manager (PERS-POLICY), Bharat Sanchar Nigam Limited, Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi-110001.

..... Respondents.

- By Advocate(s): - Mr. Rajesh Kumar

**O R D E R**

**Dinesh Sharma, A.M:-** The case of the applicant, in brief, is that while he was posted in Bihar an order dated 19.02.2006 (Annexure A/6) was issued whereby tenure facility equivalent to that given to those posted in the North East region was made eligible for those posted in Bihar Circle. He alleges

that he had informed the concerned authorities about his willingness by letter dated 08.03.2016 (Annexure A/7). However, the authorities are not granting him this benefit alleging that this benefit is available to only those who were outside Bihar and who came to Bihar following the order dated 19.02.2016. This interpretation of Annexure A/6 is wrong and amounts to treating similarly placed persons differently. The applicant has also alleged that some other persons, namely, Shri Moti Lal and Shri Anil Kumar, have been given the same benefit though they are also similarly placed as him.

2. The respondents have denied the claim and stuck to their stand which they had made clear to the applicant in their replies to the applicant's requests (Annexure A/9 and A/11). The respondents have denied that Shri Moti Lal and Shri Anil Kumar were similarly placed as the applicant since they were posted in Bihar following the circular dated 19.02.2016.

3. After going through the pleadings and hearing the counsels of both the parties, the decision on this matter boils down to interpretation of the circular letter dated 19.02.2016. The main portion of this letter is reproduced below:-

**“ Subject: Calling of options from executives for posting in Bihar Telecom Circle with tenure facilities equivalent to NE Regions.**

The undersigned is directed to refer to the subject mentioned above and to say that it has been decided to call for options from various grades/cadres of executives giving willingness to serve in BSNL Bihar Circle for a period of two years. **For this tenure, facilities equivalent to NE region shall be admissible to the willing executives who are posted in Bihar Circle.**

A period of two months, from the date of issuance of this letter, shall be available for exercising this option.

Accordingly, willing executives of all grades/cadres of different telecom Circles may submit their option for serving in

Bihar Circle through their respective CGMs, on or before 18.04.2016 respectively.

This issues with the approval of competent authority."

4. While the applicant is insisting that the portion mentioned in bold letters leave no doubt that it is applicable to (all) willing executives who are posted in Bihar Circle the respondents insist that it was intended for only those who were outside the Bihar Telecom Circle, and who gave their option for serving in Bihar Circle after this notification.

5. It is true that this order nowhere mentioned that the options were called only from Executives who were posted outside Bihar Telecom Circle. However, the subject announced that it was for "Calling of options from executives for posting in Bihar Telecom Circle with tenure facilities equivalent to NE Region." The use of word 'posting' will make it clear that it was meant for those who were not already posted there (since a person already posted in Bihar does not have to be posted again). A plain reading of the whole letter would make it amply clear that it was meant for application to those willing executives who gave option for serving for a tenure of 2 years, and the facilities equivalent to NE region were admissible for THIS (prospective) tenure only (and not to those who were already posted in Bihar). Thus, the action of respondents, in rejecting the application of applicant on this ground, cannot be found fault with.

6. The applicant has already completed his tenure posting in Bihar on 26.09.2017 and that entitles him to be transferred to his place of choice (Lucknow). His claim is also justified because he is close to his retirement. Therefore, while denying his claim for facilities equivalent to NE Region, the OA is disposed of with a direction to the respondents to consider his transfer

back to his station of choice taking into account the available policy guidelines on this matter. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**

**Srk.**