

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 042/00097/2017

Date of Order: This, the 11th day of September 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

M. Asha Devi

Wife of Mr. A Lorendra

Aged about 48 years

Now presently residing at Heirangoi Thong
Ahongsangbam, Leika, Imphal, Manipur – 795004.

...Applicant

By Advocates: Sri M. G. Singh & Sri N. T. Singh

-VERSUS-

1. The Chief General Manager
NE-Circle, BSNL
Dimapur – 797112, Nagaland.
2. The Assistant General Manager (Admin & Plg)
BSNL SSA, Manipur – 795001.
3. General Manager, SSA, Manipur
NE-Circle, BSNL, Manipur, Imphal – 795001.

... Respondents

By Advocate: Sri B. Pathak, BSNL

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act 1985 seeking the following reliefs:-

- “8.i) Set aside and quash Impugned office order No. E-5 TFR-PSGT GrB Part V/52 dated at Imphal 05.04.2017 issued by the Assistant General Manager (Admin & Plg), O/o the GMTD Bharat Sanchar Nigam Limited. Manipur SSA, (Annexure – A/1)
- ii) And be pleased to direct the respondent authority to allow the applicant to continue her service at her present place of posting (SSA Manipur)
- iii) And further be pleased to pass such further order or orders as Your Lordship may deem fit and proper.”

2. Sri M. G. Singh, learned counsel for the applicant submitted that the applicant is presently working in SSA, Manipur. Vide order dated 05.04.2017 issued by the Assistant General Manager (Admin & Plg), O/o the GMTD Bharat Sanchar Nigam Limited, Manipur SSA, the applicant was sought to be transferred to GMTD, Nagaland, SSA.

3. Learned counsel for the applicant submitted that all the transfers under the Bharat Sanchar Nigam Limited (BSNL) is

governed by the BSNL's Transfer Policy with modification and amendment from time to time. The aforesaid Policy on Transfer of Employees of the BSNL, Sub-Rule 11(f), Section B speaks as hereunder:

"For considering executives for tenure posting on transfer, the executives with longest stay in a particular Circle would be considered first. Female executives would also be encouraged to serve in tenure postings. However, posting of unwilling female executives to hard tenure stations would be avoided. Due recognition to female executives who have served in hard tenure locations shall be given in their ACRs."

4. In the BSNL's Employee Transfer Policy it is clearly stated that transfer of unwilling female executive to hard tenure stations would be avoided. At present the BSNL's Transfer Policy dated 07.05.2008 is applicable/enforced for all the employees.

5. Learned counsel further submitted that the impugned order has been issued in undue haste which smacks malafide and as such it is liable to be set aside and quashed.

6. Learned counsel further submitted that according to the Transfer Rules of BSNL, Section –A Clause (g), the request for posting of husband and wife at the same station shall be considered if the employee's spouse is serving in Central/State Government or a Public Sector Undertaking (PSU).

7. Learned counsel for the applicant has produced a decision of this Tribunal dated 10.09.2018 passed in O.A. No. 94 of 2018 and submits that this Tribunal had already entertained the matter in the case of similarly situated employees. Accordingly, learned counsel prays similar order in the case of the present applicant also.

8. Learned counsel has pointed out that on earlier occasion the applicant was transferred which was challenged by filing the O.A. No. 042/00008/2017 before this Tribunal. This Tribunal vide order dated 20.01.2017 disposed of the matter by directing the respondents to decide the representation of the applicant dated 09.01.2017 specifically with regard to transfer being not as per policy of the Bharat Sanchar Nigam Limited by a speaking order after looking into all the reasons cited by the applicant in her representation dated 09.01.2017.

9. On the other hand, Sri B. Pathak, learned counsel appearing on behalf of the respondents/BSNL submitted that the case of the applicant was considered on many occasions. According to Sri Pathak, there is no violation of the transfer guidelines while transferring the applicant. The transfer policy of

the BSNL provides as far as possible the transfer order are to be issued preferably during the month of March/April, however, in the interest of service, transfer orders can be issued at any time of the year.

10. Since identical judgments have already been passed by this Tribunal, as brought out above in favour of the similarly situated applicant, we find that there is no necessity for further detailed examination on the issue.

11. Accordingly, O.A. is hereby disposed of. The respondent authorities are hereby directed to take proper decision in accordance with the transfer and posting policy of the BSNL, particularly the Intra Circle Transfer Policy (ICT Policy 2009) for the SDEs/DE in the NE-II Telecom Circle i.e. the minimum tenure at any SSA/Station of SDE/DE will be 3 (three) years and an Executive (SDE/DE) is eligible to apply for request transfer to her choice SSA after completion of two and half years of service in other SSA of NE-II Circle. Before arriving at any decision, the respondents will give adequate opportunity of being heard to the applicant and thereafter, pass a reasoned and speaking order. The decision to be arrived at shall be

communicated to the applicant forthwith. The entire exercise shall be completed with utmost expedition but not later than four months from the date of receipt of this order.

12. It is made clear that till the decision is communicated to the applicant, the applicant shall not be disturbed from the present place of posting.

13. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)