

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00306/2019

Thursday, this the 14th day of November, 2019.

CORAM

**Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

1. Nandakumar S, aged 36 years,
S/o Late Srinivasan,
residing at Parakunnath House,
Kannadi P.O., Palakkad-678701,
presently working as Senior Office Associate (G),
having HRMS No.200304759, BSNL, GMT Office, Palakkad.
2. Jijith M.G, aged 38 years,
S/o Late Gopalankutty,
residing at Mangattuparambil House,
Maruvappadam, Kannadi P.O., Palakkad-678701,
presently working as Assistant Office Superintendent (G),
having HRMS No.200000597, BSNL, GMT Office, Palakkad.
3. Savitha P., aged 43 years,
W/o Haridasan P.V.,
residing at Haritham (H), Kappilappara,
Mundoor, Palakkad-678592,
presently working as Assistant Office Superintendent (G),
having HRMS No.99803089,CSE,
O/o GMT Office, BSNL, Palakkad-678001.
4. Balu Kenath, aged 45 years,
S/o late T.Ramachandran,
residing at B-5/6, BSNL Quarters, Kalleppully,
Palakkad, presently working as Assistant Office Superintendent
having HRMS No.199411113, CSC, CTO Building,
HPO Road, Palakkad.
5. N.Prakash, aged 47 years,
S/o late NarayananKutty,
residing at Sangeetha House, Manappullykkavu,
Kunnathurmedu P.O., Palakkad,
presently working as Assistant Office Superintendent
having HRMS No.99210552, CSC, GMT Office,BSNL Palakkad.

6. A.K.Narendrakumar, aged 49 years,
 S/o Late A.R.Kumaran,
 residing at C-2, BSNL Staff Quarters,
 Kalleppully, Palakkad-678 005,
 presently working as Assistant Office Superintendent
 having HRMS No.199311460, CSC, CTO Building,
 HPO Road, Palakkad.

Applicants

(Advocate: Ms.M.A.Jinsamol)

versus

1. Union of India represented by
 the Secretary to Government of India,
 Department of Communications,
 New Delhi-110 001.

2. Bharat Sanchar Nigam Ltd, represented by
 its Chairman and Managing Director,
 Sanchar Bhavan, New Delhi-110 001.

3. The Chief General Manager,
 Telecom, BSNL Kerala Circle
 Trivandrum-695 033.

4. The Genral Managher, Telecom,
 Office of General Manager, Telecom, BSNL Ltd.,
 Sanchar Bhavan, TB Road, Palakkad-678 014.

5. Assistant General Manager (Admn)
 Office of General Manager, Telecom,
 BSNL Ltd, Sanchar Bhavan,
 TB Road, Palakkad-678 014.

Respondents

(Advocate: Mr. Sreejith N, ACGSC for R1
 and Mr. T.C.Krishna, Sr.PCGC R2 to 5)

The OA having been taken up on 14th November, 2019, this Tribunal delivered the following order on the same day:

O R D E R (oral)**By Ashish Kalia, Judicial Member**

The applicants have approached this Tribunal for redressing their grievance against the transfer order issued by the respondents in violation of the transfer policy guidelines issued by them. The applicants are non-executives, working as Assistant Office Superintendent and Senior Office Associate with respondent No.4. All are working in various sections of the same station under respondent No.4. On 20th March, 2019, the 4th respondent issued an order transferring the applicants along with others from their present station to new stations in violation of the transfer policy.

2. Notices were issued and respondents filed a detailed reply statement through Sri T.C.Krishna, learned Sr.PCGC, denying the allegation of the applicants,

3. During the course of arguments, learned counsel for the applicants has invited our attention to para 6 of the reply which reads as under:

“6. As regarding the averments in paragraph 4.4 to 4.6 of the Original Application it is submitted that Annexure A2 transfer order was issued on the basis of a joint discussion held on 7.3.2019 in the chamber of GMT, Palakkad between the management and approved union of BSNL viz BSNLEU. A true copy of the minutes of meeting held on 7.3.2019 is produced herewith and marked as Annexure R5B.”

4. Learned counsel for the applicants submits that they will be satisfied if the transfer order is stayed for one year and they do not wish to contest this matter further.

5. In view of this, we are of the opinion that ends of justice will be met if the OA is disposed of by directing the respondents to consider the request of the

applicants as per the transfer policy guidelines. Ordered accordingly. OA is disposed of.

(Ashish Kalia)
Judicial Member

(E.K.Bharat Bhushan)
Administrative Member

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Annexures filed by the applicants:

Annexure A1: Copy of identity card of 1st applicant under the department.

Annexure A1(a): Copy of identity card of 2nd applicant under the department.

Annexure A1(b): Copy of identity card of 3rd applicant under the department.

Annexure A1(c): Copy of identity card of 4th applicant under the department.

Annexure A1(d): Copy of identity card of 5th applicant under the department.

Annexure A1(e): Copy of identity card of 6th applicant under the department.

Annexure A2: Copy of order No. ST IV/TFR & PSTG/SR.TOA/2016-19/73 dated at PGT 20.3.2019 issued by the 5th respondent for 4th respondent.

Annexure A3: Copy of the order No.STR/TFR & PSTG/ Rotational /Sr.TOA/2016-19/64 dated at PGT 30.3.2019 issued by the 5th respondent for 4th respondent.

Annexure A4: Copy of order No. ST IV/TFR& PSTG/Sr.TOA/2016-19/83 dated at PGT 24.4.2019 issued by the 5th respondent for 4th respondent.

Annexure A5: Copy of guidelines of BSNL employees transfer policy issued by the respondents.

Annexure A6: Copy of calling of volunteers order issued by the 5th respondent for 4th respondent dated 18.1.2017.

Annexure A7: Copy of the representation dated 22.3.2019 submitted by the 6th applicant to the 4th respondent.

Annexure A7(a) Copy of disability certificate produced along with Annexure A7.

Annexure A7(b): Copy of office memorandum issued by the government dated 8.10.2018.

Annexure A7(c): Copy of letter No.28-6/2017-SCT(Part-I)/104 dated 20.11.2018 forwarded to the 4th respondent.

Annexure A8: Copy of representation dated 28.3.2019 submitted before the 4th respondent.

Annexure A8(a): Copy of representation dated 11.5.2019 submitted before the 4th respondent.

Annexures filed by respondents:

Annexure R5(a): Copy of the order dated 1.7.2019 issued to the 2nd applicant.

Annexure R5(b): Copy of minutes of meeting held on 7.3.2019.