

C.A. Jose, Vs. the Chief General Manager, Telecom, Bharath Sanchar Nigam Limited, Kerala Circle, Trivandrum and Others

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SooperKanoon Citation : sooperkanoon.com/937623

Court : Central Administrative Tribunal CAT Ernakulam

Decided On : Mar-16-2010

Judge : Honourable Mr. Justice K. Thankappan, Judicial Member & Honourable Mr. K. George Joseph, Administrative Member

Appeal No. : Original Application No. 223 of 2010

Appellant : C.A. Jose,

Respondent : The Chief General Manager, Telecom, Bharath Sanchar Nigam Limited, Kerala Circle, Trivandrum and Oth

Advocate for Pet/Ap. : For the Applicant: Mr. K.A. Abraham, Advocate. For the Respondents: Mr. Pradeep Krishna, Advocate.

Judgement :

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The applicant filed this Original Application, aggrieved by Annexure A-1 transfer order. The applicant has a case that he is aged 56 years and the order of transfer now passed is not in accordance with the guidelines issued and approved by the Department for posting and transfers of employees. Apart from that the applicant submits that he is a heart patient getting treatment for the same ailment from nearby/local cardiologist. Yet another ground also the applicant projected is that

his two daughters are with him and his wife is also employed in State services and if he is now transferred, the entire family life of the applicant will be collapsed. All these reasons he has stated in Annexure A-2 representation addressed to the Chief General Manager, BSNL, Kerala Circle, Trivandrum, the first respondent.

2. We have heard the counsel appearing for the applicant Mr. K.A. Abraham and also Mr. Pradeep Krishna, counsel appearing for the respondents on receipt of the copy of the OA and we have perused all the documents produced before this Tribunal. We are of the view that though transfer is an incident of service, in normal case the Tribunals/Courts are not expected to interfere with such transfer. The case of the applicant is an exceptional case as projected in his representation. The main case of the applicant is that he is now 56 years of age and the order of transfer is not in accordance with the guidelines issued by the Department for transfer and that apart the applicant is a heart patient, getting treatment from nearby/local cardiologist and that apart we see that if he is transferred to Malappuram he alone has to shift and it will effect his health condition.

3. Considering all these aspects we are of the view that the Original Application can be disposed of by directing the first respondent to consider Annexure A-2 representation sympathetically and in view of the guidelines issued by the Department from time to time within a reasonable period at any rate within 30 days from today. Ordered accordingly. Till such a decision is taken on Annexure A-2 representation, the applicant shall not be relieved from the present post.

4. With the above direction this Original Application stands disposed of. The disposal of this Original Application will not preclude the applicant in approaching this Tribunal in future, if so advised.