
(2021) 06 CAT CK 0007

In the Central Administrative Tribunal

Case No : Original Application No. 330, 00290 Of 2021

Manish Tripathi

APPELLANT

Vs

Bharat Sanchar Nigam Ltd & Others

RESPONDENT

Date of Decision : 01-06-2021

Acts Referred:

Citation : (2021) 06 CAT CK 0007

Hon'ble Judges : Vijay Lakshmi, Member (J); Devendra Chaudhry, Member (A)

Bench : Division Bench

Advocate : Dharmendra Tiwari, Anil Kant Tripathi

Final Decision : Disposed Of

Judgement

Vijay Lakshmi, Member (J)

1. Delivered by Hon'ble Justice Mrs. Vijay Lakshmi, Member (J) Shri Dharmendra Tiwari, learned counsel for the applicant and Shri Anil Kant

Tripathi, Advocate, who has received advance notice on behalf of respondents, both have appeared online through video conferencing.

2. Heard learned counsel for both sides on admission and perused the records available in pdf.

3. The applicant, by means of the instant OA, has challenged his transfer order. Learned counsel for the applicant submitted that the applicant is the

main caregiver of his father. The father of the applicant is O.A. No. 330/00290/2021 suffering from neurological problem and is totally dependent on

the applicant even for his daily needs. However, the applicant has been transferred by the respondents against the transfer policy which provides that

caregiver of a person suffering from neurological problem should not be transferred. Moreover, it is not safe to move and join the new place of posting

during pandemic of Covid-19.

4. Learned counsel for the applicant has prayed that the applicant will be satisfied at this stage, if he is permitted to make a fresh representation, ventilating his entire grievance, before the competent authority amongst the respondents, who may also be directed to decide his representation by a reasoned and speaking order in a time bound manner. Learned counsel for the applicant has also submitted that the applicant is ready to join at his new place of posting, but the respondents may be directed to consider the prayer of the applicant sympathetically in the light of DOPT OM F. No.

42011/3/2014-Estt.(Res) dated 08.10.2018 (Annexure A-7 of OA).

5. In view of limited prayer made by the learned counsel for the applicant, no useful purpose will be served in keeping this OA pending and it is

disposed of finally at the admission stage, with the following directions : -

(i) The applicant shall join at new place of posting within two weeks from the date of receipt of certified copy of this order. Thereafter, he shall file his

representation ventilating all his grievances and annexing copies of relevant rules as well as DOPT OM dated 08.10.2018, within a period of two

weeks from the date of his joining at new place of posting, before the concerned respondent, who is the competent authority, alongwith certified copy

of this order.

(ii). The concerned respondent shall decide the representation of the applicant by a reasoned and speaking order, in accordance with rules, within a

period of four weeks from the date of receipt of representations alongwith certified copy of this order.

6. The order so passed, shall be communicated to the applicant by the respondents without any delay.

7. There will be no order as to costs.

8. It is made clear, that we have not expressed any view on the merits of the case.

9. Hon'ble Shri Devendra Chaudhry, Member (Administrative) has consented to this order during Video Conferencing.