

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1069 OF 2018

Shri Pawar Suryakant Baburao
& others

...Petitioners

Vs.

The General Manager & others

...Respondents

.....

Mr. Nikhil M. Pujari, Advocate for the petitioners.

Mrs. Neeta V. Masurkar, Advocate for the respondents.

.....

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 6th FEBRUARY, 2018.

ORDER (PER M.S.KARNIK, J.) :-

The present petition challenges an order dated 19/12/2017 passed by the Central Administrative Tribunal, Mumbai Bench, Mumbai ('the Tribunal' for short) in O.A. No. 460 of 2016. O.A. was filed by the petitioners challenging an order dated 23/5/2016 whereby the petitioners were

transferred from the substantive posts of Telecom Technical Assistant (TTA), Nashik city area to the outer city-cum-rural areas within Nashik Secondary Switching Area (SSA) in the same administrative jurisdiction. During pendency of O.A. the impugned orders of transfer were not given effect to pursuant to the interim orders passed by the Tribunal.

2. During pendency of O.A. the petitioners also challenged an order dated 24/2/2016 reverting the petitioners who were then working as Junior Telecom Officer ('JTO' for short) to their substantive cadre which is of TTA with effect from 29/2/2016 for the purpose of attending JTO Phase I training. Accordingly, OA was amended and the prayer challenging the order dated 29/2/2016 was incorporated as prayer B(i) and an interim relief was sought for stay of the order dated 29/2/2016. The Tribunal was pleased to grant interim relief in favour of the petitioners. The Tribunal on 18/7/2016 was pleased to vacate interim relief granted. This Court in Writ Petition No.5699 of 2017 directed the continuance of the interim relief already

granted by the Tribunal and requested the Tribunal to dispose of O.A. itself within a time schedule. The Tribunal was pleased to dismiss the O.A.

3. We have heard learned Counsel. We have gone through the order passed by the Tribunal. The petitioners have been transferred within Nashik District. The Tribunal has recorded a finding that the petitioners have been working for a long time in urban area of Nashik and there was an administrative need to move them for rural stint also so as to accommodate others who had not served in urban area. The Tribunal has for the reasons recorded dismissed the O.A.. The Tribunal has further recorded that BSNL has a specific charter to not only serve urban areas but also under-served rural areas.

4. We may note here that in so far as the aspect of reversion is concerned, a substantive O.A.No. 675 of 2016 filed by the petitioners along with other affected employees is pending before the Tribunal. We may hasten to add that in this petition we have dealt with only the issue relating to challenge

to the order of transfer. We have clarified this as we find that the petitioners had amended the OA and also prayed for relief against the order of reversion. Even the Tribunal in Para 2 of the impugned order has noted that as the issue of reversion is being heard separately, the issue of transfer needs to be delinked.

5. O.A.No. 675 of 2016 obviously will be dealt with by the Tribunal on its own merits and without being influenced by any observations made by the Tribunal in the order impugned in this petition or by us in this order.

6. We may also observe that the Tribunal examined the grievance of petitioners that they have been transferred upon reversion as TTA and have been transferred to various locations within Nashik Secondary Switching Area under the same administrative authority. It is therefore clear that consequent upon reversion the petitioners have been transferred. The transfers being a consequence of reversion, the transfer orders would obviously be subject to outcome of O.A.No. 675 of 2016.

7. We do not find any error in the Tribunal's reasoning. Subject to what is observed hereinbefore Writ Petition is dismissed with no orders as to costs.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)