IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 20th OF NOVEMBER, 2023

WRIT PETITION No. 5221 of 2011

BETWEEN:-

SHAMBHU SINGH GOYAL S/O CHATAR SINGH GOYAL, AGED ABOUT 49 YEARS, OCCUPATION: SUB DIVISIONAL ENGINEER BSNL,RATLAM (MADHYA PRADESH)

.....PETITIONER

(BY SHRI YOGESH PARASHAR, LEARNED COUNSEL)

AND

1. **CHIEF GENERAL MANAGER BHARAT SANCHAR NIGAM LTD. AND ANR. BSNL BHAWAN,HOSHANGABAD ROAD,BHOPAL-15 (MADHYA PRADESH)**

2. **GENERAL MANAGER, BHARAT SANCHAR NIGAM LTD. KATJU NAGAR RATLAM (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI VINDHYAVASHINI PRASAD KHARE, LEARNED COUNSEL FOR THE RESPONDENTS NO.1 & 2)

This petition coming on for orders this day, the court passed the following:

ORDER

The petitioner has challenged the legality and validity of order dated 05.04.2010 passed by Central Administrative Tribunal, Jabalpur whereby the Tribunal disposed of the case of the petitioner with liberty to decide the case of the petitioner and consider for posting of the petitioner within the State of MP and the Tribunal has also passed an order regarding intervening period of the

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petitioner from the date of transfer to date of joining treated that period as leave admissible.

2) Counsel for the respondents submits that validity of the same order passed by Central Administrative Tribunal was challenged by the respondents in WP No.4718/2010 and the said petition was disposed off with the following order:-

> "Keeping in view the fact that on 10.05.2010, while issuing notice of this petition, this Court had stayed the order dated 05/04/2010 passed by the Central Administrative Tribunal in Transfer Application No.102/2009, we dispose of this petition by making the said order dated 10.05.2010 absolute till the petitioner passes a fresh transfer order with regard to the respondent. So far as the observation made by the Tribunal in paragraph 7 to the effect that "the intervening period of absence be treated as leave due and admissible" shall stand as it is."

3) Since the same order which is challenged in the present petition was challenged by the respondents and the petition has been disposed off by the Division Bench, the present petition is also disposed off in terms of the order dated 06.02.2014 passed by Division Bench in WP No.4718/2010.

4) With the aforesaid, the petition is **disposed off.**

(VIJAY KUMAR SHUKLA)
JUDGE

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Signing time: 21-11-2023 11:40:13