

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00663/2019

Monday, this the 16th day of December, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Reshma.M.V.,
Aged 27 years,
D/o.Padmanabhan A,
Working as Branch Post Master,
Kappad, Chovva, Kannur – 670 006.
Residing at Madhavi Nivas, Trichambaram,
Taliparamba, Kannur – 670 141.Applicant

(By Advocate M/s.Dandapani Associates)

v e r s u s

1. Union of India
represented by Assistant Director General GDS/PCC,
Ministry of Communications, Department of Posts,
GDS Section, Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. Chief Post Master General,
Kerala Circle, Thiruvananthapuram – 695 033.
3. Superintendent of Post Offices,
Kannur Division, Kannur – 670 001.
4. Post Master General,
Northern Region, Kozhikode – 673011.Respondents

(By Advocate Mr.Sreejith.N., ACGSC)

This application having been heard on 16th December 2019, the Tribunal on the same day delivered the following :

O R D E R (O R A L)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The O.A has been filed by the applicant seeking limited transfer from GDS BPM, Kappad to GDS BPM, Vellur while willing to relinquish her seniority. She filed the application for transfer on 8.6.2019 on the strength of

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the Office Memorandum, a copy of which is at Annexure A-4, wherein it is stated that transfer application should be called for between April to June every year. However, the respondents on the basis of a further Office Memorandum, a copy of which is at Annexure A-5, now insisted that the applications for transfer are to be considered so long as they are filed by 31st May 2019. Learned counsel for the applicant submitted that Annexure A-5 was issued on 30.5.2019 granting exactly one day for filing a request for transfer. Further, because the said O.M was circulated only among the departmental heads, the applicant was able to file her request only on 8.6.2019. She requested that her transfer application may also be considered.

2. Learned counsel for the respondents submitted that the amendment proposed to the Kamlesh Chandra Committee recommendations was only with respect to a single year in order to expedite deployment. It is further pointed out that the applicant was not eligible for consideration for limited transfer facility as she had not completed her residency period of three years from initial induction.

3. We have heard both sides. It is clear that the very limited time allowed to the concerned employees to file transfer application has stood in the way of employees such as the applicant who wished to apply for transfer within the stipulated time as they know of only the earlier standing directions. Further, as far as the argument that the applicant has not completed three years residency period is concerned, it is seen that the applicant, having joined the department on 13.6.2016 would have completed the period of three years on 13.6.2019. The applicant has filed the application for transfer on 8.6.2019, which was only 5 days short of the required three years residency period.

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4. In view of the compelling personal reasons narrated by the applicant in the O.A., we direct that the transfer request of the applicant to GDS BPM, Vellur may be considered by 2nd and 3rd respondents on condition that she will relinquish her seniority and will be ranked junior most in the new unit and the result communicated to her within a period of 15 days from the date of receipt of a copy of this order.

5. The O.A stands disposed of accordingly. No costs.

(Dated this the 16th day of December 2019)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00663/2019

- 1. Annexure A-1** – A copy of the order of appointment bearing Memo No.B3/Kappad BO dated 8.11.2016.
- 2. Annexure A-2** – A copy of the marriage certificate bearing No.25779/2017 issued from the Payyannur Municipality dated 4.12.2017.
- 3. Annexure A-3** – A copy of the application for limited transfere from one post to another post in GDS BPM dated 8.6.2019.
- 4. Annexure A-4** – A copy of the Office Memorandum no.17-31/2016-GDS dated 4.1.2019 issued by the 1st respondent.
- 5. Annexure A-5** – A copy of the Office Memorandum bearing No.17-31/2016 GDS dated 30.5.2019.
- 6. Annexure A-6** – A copy of the letter bearing No.Rectt/18/GDS ONLINE/2019 dated 15.7.2019.
- 7. Annexure A-7** – A copy of the relevant portion of the recruitment notification for all Kerala Circle bearing No.RECTT/50-1/DLGS/2019.
