

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00530/2020

Thursday this the 17th day of December, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Archana K.M
 Aged 27 years
 D/o.Mohanan K.G
 BPM, Parrikkalam B.O, Kannur
 Residing at Kainoolayil House
 Padiyoor P.O, Iritty
 Kannur – 670 703
 Ph.No.8943607369 **Applicant**

(By Advocate : Mr.Millu Dandapani)

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, Samsad Marg
 New Delhi – 110 001
2. Chief Post Master General
 Kerala Circle, Thiruvananthapuram – 695 033
3. Post Master General , Northern Region
 Kozhikode – 673 011
4. Superintendent of Post Office
 Thalassery Division, Kannur – 670 102 **Respondents**

(By Advocate : Mr.N.Anilkumar,SCGSC)

This application having been heard on 17.12.2020 through video conference,

the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

Applicant is presently working in Parrikalam Branch Office as Branch Postmaster. She joined the service on 27.2.2017. After the marriage, applicant was shifted to her spouse's house at Panangattoor, Kuttiyeri, Kannur. Hence the applicant submitted an application along with supporting documents for limited transfer facility from BPM Parikkalam BO to PM Chithappile Poyil B.O on 21.5.2020. Vide Annexure A-7 order, her request for transfer has been rejected by the respondents. The applicant is aggrieved by Annexure A7 order which abstained the applicant from joining her spouse by rejecting her Annexure A4 transfer application. Hence she prays for the following reliefs:

"i. To call for the records leading to Annexure A7 issued by the 4th respondent and set aside the same.

ii. To direct the 4th respondent to process the application submitted by the applicant as per Annexure A4 application dated 21.5.2020 for filling up the vacancy at BPM Chithappile Poyil B.O.

iii. To direct the 2nd respondent Chief Post Master General not to fill up the post of GDS, BPM against the vacancy at BPM Chithappile Poyil B.O pending the disposal of the O.A.

iv. To grant such other appropriate order or direction as the Tribunal deemed fit and proper in the facts and circumstance of the case."

2. When the matter was taken up for consideration, counsel for the respondents

submits that he wants further time for filing a reply statement.

3. On perusal of Annexure A-7 impugned order, it is seen that there is no mention regarding any of the reasons which has prompted the authority to reject the representation submitted by the applicant. It is a non-speaking order.

4. **In view of the above circumstance, we set aside Annexure A-7 non-speaking order and the applicant is directed to file a fresh comprehensive representation within two weeks from today. The Competent Authority is hereby directed to consider the same on receipt and pass a reasoned and speaking order in the light of relevant rules and regulations on the subject within a period of two months from the date of receipt of representation of the applicant.**

5. **The vacancy at BPM Chithappile Poyil B.O will be kept vacant till the disposal of the representation of the applicant. The Original Application is disposed of as above. No costs.**

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

Annexure A1 - True copy of the Memo No.B3/373 dated 19.9.2016

Annexure A2 - True copy of the order No.B3/373 dated 27.2.2017

Annexure A3 - True copy of the marriage certificate bearing No.9860/2017 issued by Department of Urban Affairs, Government of Kerala dated 10.11.2017

Annexure A4 - True copy of the application for limited transfer from one post to another post in GDS BPM with the declaration to forgo seniority and performa dated 21.5.2020

Annexure A5 - True copy of the O.M No.17-31/2016/GDS dated 4.1.2019 issued by the 1st respondent Ministry.

Annexure A6 - True copy of the Office Memorandum No.17-31-2016-GDS issued by the 1st respondent Ministry dated 22.1.2020

Annexure A7 - True copy of the order No.B3/GDS/Tfr issued by the 4th respondent dated 5.8.2020.

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