

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00532/2020

Thursday this the 17th day of December, 2020

CORAM:

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

Soorya Varayath

Aged 30 years

D/o.Prasanna.V

BPM Aralam Farm B.O

Residing at Varayath House

Kolari P.O, Via Mattanur

Kannur – 670 702

Ph.No.8921174286

..... **Applicant**

(By Advocate : Mr.Millu Dandapani, Adv.Ms.Meera Ramesh)

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:

ORDER (ORAL)

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

Applicant is presently working in Aralam Farm Branch Office. As the applicant is currently undergoing infertility treatment at Koyili Hospital, Kannur in her home station and the hospital is 30 km away from the applicant's current posting and only 4 km away from her house in her home station, she submitted transfer request on 20.5.2020. Vide Annexure A-8 order, her request for transfer has been rejected by the respondents. The applicant is aggrieved by Annexure A8 order rejecting the transfer application of the applicant for the purpose of joining her home station because she is undergoing infertility treatment. Hence she prays for the following reliefs:

- "i. To call for the records leading to Annexure A8 issued by the 4th respondent and set aside the same.*
- ii. To direct the 4th respondent to reconsider the A4 application submitted by the applicant in the light of the guidelines in Annexure A7 O.M for filling up the vacancy at BPM Keecheri 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 Keecheri 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. Learned counsel for

the applicant submits that the competent authority has not passed a speaking order on her representation and she is aggrieved by this.

3. It is not clear why the competent authority has passed a non-speaking order. The Competent Authority is bound to pass a reasoned and speaking order.

4. **In view of the above circumstance, Annexure A-8 non-speaking order passed by the competent authority is set aside. Applicant is directed to file a fresh comprehensive representation within two weeks from today along with all supporting documents . 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 Keecheri 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
SV

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

- Annexure A1 - True copy of ythe memo bearing No.GL17/15-16 dtd 19.1.2016
- Annexure A2 - True copy of the memo bearing No.B3/209 dated 5.5.2017
- Annexure A3 - True copy of the marriage certificate bearing No.13003/2014 issued by Department of Urban Affairs, Government of Kerala dated 1.9.2014
- Annexure A4 - True copy of the USG report dated 17.9.2020 for medical diagnosis and the medical prescriptions for the infertility treatment
- Annexure A5 - True copy of the application submitted by the applicant dated 20.5.2020
- Annexure A6 - True copy of the office memorandum no.17-31/2016-GDS dated 4.1.2019 issued by the 1st respondent Ministry
- Annexure A7 - True copy of the office memorandum No.17-31/2016-GDS issued by the 1st respondent Ministry dated 22.1.2020
- Annexure A8 - True copy of the letter issued by the 4th respondent bearing no.B3/GDS/Tfr dated 5.8.2020.

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