

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
Original Application No.180/00529/2019

Tuesday, this the 12th day of January, 2021

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

Prakashini K.T
 W/o.Balakrishnan E.M
 aged 37 years
 ABPM, Vilathur BO
 Thiruvegappura SO, Pattambi Sub Division
 Ottappalam Division, residing at Eyyamadakkal, Vilathur P.O
 Thiruvegappura (via), Palakkad District
 Pin – 679 304, Mob No.904866090

...Applicant
 (By Advocate Mr.V.Sajith Kumar)

v e r s u s

1. Union of India represented by Secretary to Government
 Department of Posts, Ministry of Communications
 Government of India, New Delhi – 110 001
2. The Chief Postmaster General
 Kerala circle, Trivandrum – 695 033
3. The Superintendent of Post Offices
 Ottappalam Postal Division
 Ottapalam – 679 101
4. Asst.Superintendent of Post Office
 Pattambi Sub-division, Pattambi-679303

5. The Postmaster General, Northern Region,
Calicut-673006Respondents

(By Advocate : Mr.V.N.Mohanadasan)

This application having been heard on 12.1.2021, this Tribunal on the same day delivered the following :

ORDER (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

Applicant is aggrieved by the delay on the part of the respondents in considering her claim for transfer to the post of BPM Vilathur Post Office which is lying vacant with effect from 9.5.2018. The applicant entered into the service on 17.11.2012. She had completed around 6 years of service making her eligible for a transfer. She had submitted application for transfer on 1.11.2018 against a vacancy which arose on 9.5.2018. She was eligible as per the terms of Annexure A3 and the same was recommended by the 4th respondent. There was inordinate delay on the part of the PMG Cochin and the 2nd respondent in processing her claim. The applicant is entitled to her application considered in accordance with Annexure A3. Hence she approached this Tribunal praying for the following reliefs:

" (i) *To quash Annexure A4 and Annexure A5*

(ii) To declare that the respondents are bound to consider the claim of the applicant for transfer in Annexure A1 in terms of Annexure A3 instructions.

(iii) To direct the 2nd respondent to consider the claim for transfer in annexure A1 in the light of Annexure A3 instructions which were in force as on the relevant time and to grant her a transfer as requested in Annexure A1

(iv) Grant such other reliefs as may be prayed for and as the Court may deem fit to grant, and

(v) Grant the cost of this Original Application. "

2. When the matter came up for consideration, the counsel for the applicant submits that he has produced various documents in support of this matter through a Miscellaneous Application No.180/576/2020. He further submits that he will be satisfied if the applicant's Annexure A-9 representation is considered in the light of relevant rules and regulations on the subject and a speaking order is passed within a time frame.

3. Counsel for the respondents has no objection in considering the representation and passing appropriate orders.

4. In view of the limited submission, the Original Application is disposed of with a direction to the respondents to consider Annexure A-9 representation dated 12.9.2020 in the light of Annexure A-7 O.M dated 22.1.2020 issued by the Ministry of Communications, Department of Posts and relevant rules on the subject and pass a speaking order within a period of three months from the date of receipt of a copy of

this order. The Original Application is disposed of as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 - A true copy of the relevant pages of the representaiton/application dated 1.11.2018

Annexure A2 - A true copy of the medical certificate dated 20.7.2018 issued by the Superintendent, Taluk Head Quarters Hospital, Pattambi

Annexure A3 - A true copy of the transfer guidelines issued as per the DG's letter No.19-10/2004-GDS dated 17.7.2006

Annexure A4 - A true copy of the order no.17-31/2016-GDS dated 4.1.2019 issued by the 1st respondent

Annexure A5 - A true copy of the Memo.GL/II/Staff dated 31.5.2019 issued by the 4th respondent

Annexure A6 - A true copy of the interim order dated 7.3.2019 in O.A 156/2019 of this Tribunal.

Annexure R1 - True copy of order of Directorate dated 15.4.2019

Annexure R2 - True copy of letter dated 12.7.2018 at Pattambi

Annexure A7 - A true copy of the O.M No.17-31/2016-GDS dated 22.1.2020 issued by the 1st respondent

Annexure A8 - A true copy of the certificate no.AA7/GDS/20-20-21 dated 1.6.2020, issued by the Postmaster, Ottappalam

Annexure A9 - A true copy of the representation dated 12.9.2020 submitted by the applicant to 5th respondent.

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