

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A No. 180/00640/2019**

Tuesday, this the 8<sup>th</sup> day of December, 2020.

**CORAM:**

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

Nikhil Nandakumar, 26 years,  
S/o. Nandakumar K.,  
Working as ABPM/GDSMD  
Kuruvilassery (P.O) - 680 732.  
Residing at Kannoli House,  
Thottippal (P.O) – 680 310.

- Applicant

[By Advocate : Mr. V. Sajithkumar]

**Versus**

1. Union of India represented by the Secretary to the Government of India, Department of Posts, Government of India, New Delhi – 110 001.
2. The Chief Postmaster General, Kerala Circle, Trivandrum – 695 033.
3. The Superintendent of Post Office, Irinjalakkuda Division, Irinjalakkuda – 680 121. - Respondents

[By Advocate : Mr. T.C. Krishna, Senior PCGC]

The application having been heard on 08.12.2020, the Tribunal on the same day delivered the following:

**ORDER**

**Per: Mr. P. Madhavan, Judicial Member**

Applicant filed this O.A seeking the following reliefs:-

- i) *To quash Annexure A-4.*
- ii) *To declare that the respondents are bound to consider the claim of the applicants for transfer in terms of Annexure A-2 instructions.*
- iii) *To direct the 2<sup>nd</sup> respondent to consider the claim for transfer of the applicant in the light of Annexure A-2 instructions which was in compliance with the decision of this Hon'ble Tribunal as upheld by the Hon'ble High Court.*
- iv) *Grant such other reliefs as may be prayed for and as the Court may deem fit to grant."*

2. Learned counsel for the applicant submits that the applicant is aggrieved by the delay on the part of the respondents in considering his claim for transfer

to the post of GDS BPM, Moorkkanad which is lying vacant. The applicant entered into the service on 13.03.2015 and has completed the three years of continuous regular service as on 13.03.2018 making him eligible for a transfer. The applicant is suffering from prolapsed disc in the lumbar spine and undergoing treatment for the same. He had submitted application for transfer against the vacancy of GDS BPM at Moorkkanad P.O. There was inordinate delay on the part of the PMG, Cochin and the 2<sup>nd</sup> respondent in processing his claim. Hence, he filed this O.A.

3. The applicant filed MA/180/752/2020 for impleading respondent No. 4 to the party array since R-4 is a necessary party to this case. M.A is allowed.

4. When the matter came up for consideration, counsel for the applicant submits that the applicant has filed a fresh representation as Annexure A-7 and as per the latest O.M issued at Annexure A-6 dated 22.01.2020, the applicant will be eligible for transfer as requested and he will be satisfied, if Annexure A-7 is considered in the light of Annexure A-6 O.M dated 22.01.2020.

5. Learned counsel for the respondents is present and submits that he has no serious objection.

6. **Hence, competent authority, Post Master General, Central Region, Kochi (R-4) is directed to consider and dispose of Annexure A-7 representation in the light of Annexure A-6 O.M. dated 22.01.2020, if applicable, within a period of two months from the date of receipt of a copy of the order.**

7. The Original Application is disposed of accordingly. No order as to costs.

(Dated, 8<sup>th</sup> December, 2020.)

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

Applicant's Annexures

- |              |   |  |
|--------------|---|--|
| Annexure A-1 | - | A true copy of the relevant pages of the representation/ application dated Nil submitted by the applicant to the 2 <sup>nd</sup> respondent. |
| Annexure A-2 | - | A true copy of the transfer guidelines issued as per the DG's letter No. 19-10/2004-GDS dated 17.07.2006.                                    |
| Annexure A-3 | - | A true copy of the reply dated 15.07.2019 to the RTI application from the 3 <sup>rd</sup> respondent to the applicant.                       |
| Annexure A-4 | - | A true copy of the order No. 17-31/2016-GDS dated 04.01.2019 issued by the Ministry of Communications.                                       |
| Annexure A-5 | - | A true copy of the Interim Order dated 07.03.2019 in O.A No. 156/2019 of this Hon'ble Tribunal.  |
| Annexure A-6 | - | A true copy of the O.M. No. 17-31/2016-GDS dated 22.01.2020 issued by the 1 <sup>st</sup> respondent.  |
| Annexure A-7 | - | A true copy of the representation dated 24.11.2020 submitted by the applicant to 4 <sup>th</sup> respondent.                                 |

Annexures of Respondents

- |              |   |   |
|--------------|---|---|
| Annexure R-1 | - | True copy of transfer request dated nil submitted by the applicant.   |
| Annexure R-2 | - | True copy of the Postal Directorate letter No. 17-31/2016-GDS dated 15.04.2019.   |
| Annexure R-3 | - | True copy of the Postal Directorate O.M. No. 17-31/2016-GDS dated 25.06.2018.   |
| Annexure R-4 | - | True copy of letter No. ST/Tfr Genl/2019 dated 21.08.2019 issued from the office of the Postmaster General, Central Region. |

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