

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00655/2019

Thursday, this the 1st day of October, 2020.

CORAM:

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

Bindu K.S, 48 years,
W/o. V.S. Satheesan,
GDS BPM, Pallarimangalam, B.O., Pallarimangalam P.O.,
Pothanickadu, Muvattupuzha Sub-Division,
Aluva Division, PIN-686 671.
Residing at Vadukkorkudiyil House,
Poickattussery, Chengamannad (P.O.),
Ernmakulam District – 683 585. - Applicant

[By Advocate : Mr. V. Sajithkumar]

Versus

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 Senior Superintendent of Post Offices,
Aluva Postal Division, Aluva – 683 101.
4. The Postmaster General,
Central Region, Kochi – 682 020. - Respondents
(R-4 impleaded vide order dated 25.08.2020)

[By Advocate : Mr. Sinu G. Nath for Mr. N. Anilkumar, SCGSC]

The application having been heard on 01.10.2020, 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 Clause 2(a) (viii) of Annexure A-6.*
- (ii) To declare that Clause 2(a) (viii) of Annexure A-6 to the extent it restricts transfer from BPM to ABPM and vice versa and putting fetters on transfers based on TRCA slab are highly illegal and violative of the binding precedents laid down by this Hon'ble Court and affirmed by*

Hon'ble High Court.

(iii) To declare that the respondents are bound to consider the claim of the applicant for transfer in terms of Annexure A-4 and Annexure A-6 instructions.

(iv) To direct the respondents 1 to 3 to consider the claim for transfer to the post of GDS BPM Parakkadavu BO and to issue appropriate orders appointing her at the place sought by her as expeditiously as possible.”

2. Respondents had entered appearance and filed a detailed reply statement.
3. The applicant is aggrieved by the delay on the part of the respondents in considering her claim for transfer to the post of BPM Parakkadavu Post Office, which is lying vacant. The applicant entered into service on 19.07.2012. She had completed more than seven years of service making her eligible for a transfer. She had submitted a representation for transfer on 18.12.2017.
4. Heard Mr. V. Sajithkumar, learned counsel for the applicant and Mr. Sinu G. Nath representing Mr. N. Anilkumar, SCGSC for the respondents.
5. When the matter came up for consideration for final hearing, learned counsel for the applicant submitted that the applicant will be satisfied, if a direction is passed to the respondents to dispose of Annexure A-11 representation in the light of Annexure A-9 and A-10.
6. Learned counsel for the respondents submitted that he wants some more time for filing a detailed written submissions on merits of the case.
7. Since the applicant has limited her prayer, we are disposing of the O.A with a direction to Respondent No.4 to consider and dispose of Annexure A-11

representation in the light of Annexure A-9 (Department Order No. 17-31/2016-GDS dated 22.01.2020) and A-10 by way of speaking order within a period of three months from the date of receipt of a copy of this order.

8. O.A is disposed of as above. No order as to costs.

(Dated, 1st October, 2020.)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

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Applicant's Annexures

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| Annexure A-1 | - | A true copy of the discharge summary issued by Sree Narayana Institute of Medical Sciences. |
| Annexure A-2 | - | A true copy of Medical Certificate dated 10.02.2017 issued by Dr. K.R. Mohanan, M.S (Ortho), Professor and HOD, Department of Ortho, Sree Narayana Institue of Medical Sciences, Chalakka, Erankulam District. |
| Annexure A-3 | - | A true copy of the representation dated 18.12.2017 submitted by the applicant to the 2 nd respondent. |
| Annexure A-4 | - | 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-5 | - | A true copy of the letter No. B2/8/Tfr/1/2017 dated 21.11.2018 issued by the 3 rd respondent. |
| Annexure A-6 | - | A true copy of the Order No. 17-31/2016-GDS dated 04.01.2019 issued by the Ministry of Communications. |
| Annexure A-7 | - | A true copy of the Order dated 22.08.2016 in O.A 130/2014 of this Hon'ble Tribunal. |
| Annexure A-8 | - | A true copy of the Interim Order dated 07.03.2019 in O.A 156/2019 of this Tribunal. |
| Annexure A-9 | - | A true copy of the Order No. 17-31/2016-GDS dated 22.01.2020 issued by the 1 st respondent. |
| Annexure A-10 | - | A true copy of the letter No. ST/120/GDS Tfr/2020 dated 09.06.2020 issued by the 2 nd respondent. |
| Annexure A-11 | - | A true copy of the representation dated 25.07.2020 submitted by Applicant to 4 th respondent. |

Annexures of Respondents

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| Annexure R-1 | - | True copy of transfer request dated 14.03.2016 submitted by the applicant. |
| Annexure R-1(a) | - | True copy of English translation of transfer request dated 14.03.2016 submitted by the applicant. |
| Annexure R-2 | - | True copy of the representation dated 30.05.2016 submitted by the applicant. |
| Annexure R-2(a) | - | True copy of English translation of representation dated 30.05.2016 submitted by the applicant. |
| Annexure R-3 | - | True copy of letter No. B2/8/Tfr dated 10.03.2017 issued by the Senior Superintendent of Posts, Aluva Division. |

- Annexure R-4 - True copy of the Postal Directorate Letter No. 17-31/2016-GDS dated 15.04.2019.
- Annexure R-5 - True copy of the Postal Directorate Office Memorandum No. 17-31/2016-GDS dated 25.06.2018.
- Annexure R-6 - True copy of Memo No. A/GDS/Rlgs dated 25.07.2018 issued by the Senior Superintendent of Posts, Aluva Division.
