

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00839/2019

Wednesday, this the 5th day of August, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

Hon'ble Mr. K.V. Eapen, Administrative Member

Sonia Thomas, W/o. Ashish Joseph, aged 29 years, ABPM (GDS MD-II),
 Chenapady BO, Changanassery Division – 686 520, residing at
 Ponnakuzhiyil (H), Kurumulloor PO, Kottayam District -
 686 632, Mob: 9562638195. **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 Postmaster General, Central Region, Ernakulam-682 018.
4. The Superintendent of Post Offices, Changanassery Postal Division,
 Changanassery – 686 101.
5. The Superintendent of Post Offices, Kottayam Postal Division,
 Kottayam – 686 001. **Respondents**

(By Advocate : Mr. Sreedutt S., ACGSC)

This application having been heard on 05.08.2020 through video
 conferencing, the Tribunal on the same day delivered the following:

ORDER (Oral)

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

Heard Advocate Mr. V. Sajith Kumar appearing for the applicant and
 the Advocate Mr. Sreedutt S., ACGSC appearing for the respondents
 through video conferencing.

2. The applicant is aggrieved by the delay on the part of the respondents in considering her claim for transfer to the post of GDS BPM Kurumulloor Post Office which is lying vacant since 30.11.2018. She has filed this OA seeking the following reliefs:

“(i) To quash clause 2(a)(vii) of Annexure A4.

(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.”

3. When the matter came up for consideration today, learned counsel for the applicant submitted that she has filed a fresh representation on 23.7.2020 which may be considered in view of the new OM issued by the Government regarding the transfer and a speaking order is passed on it within a time frame.

4. Learned counsel appearing for the respondents submitted that they have no objection in considering the representation filed by the applicant by passing a speaking order.

5. In view of the limited relief sought by the applicant, without going into the merits of the case, the competent authority is directed to consider Annexures A9 and A10 representations dated 12.5.2020 and

23.7.2020 respectively filed by the applicant in the light of Annexure A6 and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

6. MA No. 180/401/2020 for production of documents is allowed. MA No. 180/318/2020 is closed.

7. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

Original Application No. 180/00839/2019

APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the representation/Application dated 29.8.2018 submitted by the applicant to the 2nd respondent along with its translation.
- Annexure A2** – True copy of the marriage certificate dated 9.5.2018 issued by the Registrar of Marriage of Athirampuzha Grama Panchayat.
- Annexure A3** – True copy of the transfer guidelines issued as per the DG's letter No. 19-10/2004-GDS dated 17.7.2006.
- Annexure A4** – Order No. 17-31/2016-GDS dated 4.1.2019 issued by the Ministry of Communications.
- Annexure A5** – True copy of the order No. 17-31/2016-GDS dated 21.10.2019 issued by the 1st respondent.
- Annexure A6** – True copy of the order No. 17-31/2016-GDS dated 22.1.2020 issued by the 1st respondent.
- Annexure A7** – True copy of the letter No. L. No. B2/GDS TFR/ST dated 28.5.2020 issued by the 4th respondent to the Assistant Superintendent of Posts, Kanjirappally Sub Division.
- Annexure A8** – True copy of the letter No. GDS/Corr dated 8.6.2020 issued by the ASP, Kanjirappally Sub Division to the applicant.
- Annexure A9** – True copy of the application dated 12.5.2020 submitted by applicant to the 2nd respondent.
- Annexure A10** – True copy of the representation dated 23.7.2020 submitted by the applicant to the 3rd respondent.

RESPONDENTS' ANNEXURES

- Annexure R1** – True copy of letter No. B2/GDS/Tfr-S.T dated 14.9.2018.
- Annexure R2** – True copy of letter No. B2/Ltd Tfr/Ktm(W) dated 25.9.2018 of the Senior Superintendent of Post Offices, Kottayam Division.
- Annexure R3** – True copy of letter No. B2/GDSTfr/ST dated 5.12.2018 of the Superintendent of Post Offices, Changanassery Division along with translation.

Annexure R4 – True copy of the Postal Directorate letter No. 17-31/2016-GDS dated 15.4.2019.

Annexure R5 – True copy of the Postal Directorate Office Memorandum No. 17-31/2016-GDS dated 25.6.2018.

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