

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00088/2020**

Thursday this the 16<sup>th</sup> day of July 2020

**C O R A M :**

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

Sibiraj.B.S.,  
Postal Assistant (SBCO),  
Cherthala HPO – 688 524.  
Residing at Bougainvillea, EKRA – 110 C,  
Akhil Nagar, Enikara, Karakulam P.O.,  
Thiruvananthapuram – 695 564. ...Applicant

(By Advocate Mr.Vishnu.S.Chempazhanthiyil)

**v e r s u s**

1. The Postmaster General,  
Central Region, Regional Office, Kochi – 682 020.
2. The Chief Postmaster General, Kerala Circle,  
Thiruvananthapuram – 695 033.
3. Union of India represented by Director General & Secretary,  
Department of Posts, Dak Bhavan,  
New Delhi – 110 001. ...Respondents

(By Advocate Mr.Thomas Mathew Nellimootttil, Sr.PCGC)

This application having been heard on 16<sup>th</sup> July 2020, this Tribunal on the same day delivered the following :

**O R D E R (O R A L)**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

Applicant, who is presently working as a Postal Assistant (SBCO) in Cherthala HPO, had applied for transfer on 5.1.2015 citing the medical condition of his father. But no transfer was granted and his father expired in the meanwhile. His wife is working in the Postal Department in Thiruvananthapuram. Thereafter, he submitted his request for transfer as his

spouse is working at Thiruvananthapuram as well as on medical grounds on several occasions. But no transfer was granted. The applicant was granted a temporary transfer on 7.5.2019 when his mother donated her kidney to his brother who was diagnosed as end stage renal failure. After the temporary deputation, he joined at Cherthala HPO which is more than 250 kms from his residence at Thiruvananthapuram. He again submitted request for transfer on extreme compassionate grounds on 9.12.2019 with supporting medical records. He has spent more than 6 years away from his native place. Thus, he contends that he is eligible and entitled for a transfer on spouse ground in the light of DoPT O.M F.No.28034/9/2009-Estt.(A) dated 30.9.2009. Hence he approached this Tribunal praying for the following reliefs:

“(i) Direct the 2<sup>nd</sup> respondent to consider transfer of the applicant and post the applicant to any vacant post of PA (SBCO) in Thiruvananthapuram.

(ii) Direct the respondents to take into account the compassionate circumstances highlighted by the applicant and accommodate the applicant in Thiruvananthapuram in the light of the medical records at Annexure A7, A9, A10 & A11.

(iii) Direct the respondents to extend the benefit of Annexure A13 to the applicant and post the applicant in a vacant post of PA (SBCO) Thiruvananthapuram.

(iv) Any other further relief or order as this Tribunal may deem fit and proper to meet the ends of justice.

(v) Award the cost of these proceedings.”

2. When the matter came up for consideration, learned counsel for the respondents submitted that an objection to the M.A and detailed instruction are awaited as the Thiruvananthapuram city is under triple lock-down due to

the pandemic situation.

3. Learned counsel for the applicant Advocate Mr.Vishnu S Chempazhanthiyil submits that the applicant will be satisfied if his representations, which are pending before the respondents for long time as Annexure A-12 and Annexure A-16 is considered within a short span of time in the light of relevant rules and regulations on the subject and the facts and circumstances in this case.

4. **In view of this limited submission, without going into merits, the Competent Authority is directed to consider the representations of the applicant in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.**

5. 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 – True copy of the request submitted by the applicant on 5.1.2015 to the 1<sup>st</sup> respondent.

Annexure A2 – True copy of request dated 17.12.2015 addressed to the 2<sup>nd</sup> respondent.

Annexure A3 – True copy of the request dated 27.7.2016 addressed to the 2<sup>nd</sup> respondent.

Annexure A4 – True copy of the request dated 7.12.2016 to the 2<sup>nd</sup> respondent.

Annexure A5 – True copy of the request dated 23.5.2017 to the 2<sup>nd</sup> respondent.

Annexure A6 – True copy of the request dated 8.10.2018 to the 2<sup>nd</sup> respondent.

Annexure A7 – True copy of the patient record book maintained in the Department of Nephrology, Government Medical College, Thiruvananthapuram.

Annexure A8 – True copy of the request 1.3.2019 to the 2<sup>nd</sup> respondent.

Annexure A9 – True copy of the affidavit and legal papers required for permission or transplantation under Human Organs Act 1994.

Annexure A10 – True copy of the medical advice issued by the Chief Consultant, Nephrologist, NIMS Hospital, Thiruvananthapuram.

Annexure A11 – True copy of the discharge summary issued by the Department of Nephrology, NIMS Hospital, Thiruvananthapuram in respect of applicant's brother.

Annexure A12 – True copy of the representation dated 9.12.2019 addressed to the 2<sup>nd</sup> respondent.

Annexure A13 – True copy of the O.M.F.No.28034/9/2009-Estt.(A) dated 30.9.2009 issued by the Department of Personnel and Training, New Delhi.

Annexure A14 – True copy of the order No.ST/RTI/DAIV/2019 dated 5.2.2020 issued by the office of the CPMG, Kerala Circle, Thiruvananthapuram.

Annexure A15 – True copy of communication No.ST/13/Adv.Rep/2018 dated 3.6.2020 issued by the office of the 2<sup>nd</sup> respondent.

Annexure A16 – True copy of the request dated 30.6.2020 to the 2<sup>nd</sup> respondent.

Annexure R1 – A true copy of the letter No.B/APS dated 1.10.2019.

Annexure R2 – A true copy of the letter No.141-141/2013-SPB-II dated 17.1.2019.

Annexure R3 – A true copy of the letter No.ST/42-18/2012 dated 12.5.2015.

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