

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00639/2019

&

MA No. 180/132/2021

Tuesday, this the 9th day of March, 2021.

CORAM:

HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER

HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER

Adheena Krishnan,
GDSMD Kalayapuram S.O., Kollam – 691 560.
Residing at Padma Vilasom, Mavady (P.O),
Puthoor – 691 507.

- Applicant

[By Advocate : Mr. Vishnu S. Chempazhanthiyil]

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, Thiruvananthapuram - 695 033.
3. The Senior Superintendent of Post Offices,
Kollam Postal Division, Kollam – 691 001. - Respondents

(R-4 deleted vide order dated 08.11.2019 in MA No. 1050/2019)

[By Advocate : Mr. N. Anilkumar, SCGSC]

The application having been heard on 09.03.2021, the Tribunal on the same day delivered the following:

ORDER

Per: Mr. P. Madhavan, Judicial Member

The applicant filed this O.A seeking the following reliefs:-

“i. Call for the records leading to the issue of Annexure A-4 and set aside Clause (viii) of Para 2(a) in Annexure A-4.

ii . Call for the records leading to the issue of Annexure A-7 and A-5 and set aside Annexure A-7 and A-5 in as much as applicant's name is included in Annexure A-5.

iii. Declare that the respondents 1 to 3 are bound to consider the claim of the applicant for transfer as raised before 04.01.2019 in terms of Annexure A-3 instructions.

iv. Direct the 2nd respondent to consider the claim for transfer of the applicant which was submitted prior to 04.01.2019 in the light of Annexure A-3 instructions which was in compliance with the decision of

this Hon'ble High Court.

v. Call for the records leading to the issue of Annexure A-6 and set aside Annexure A-6 in as much as applicant's claim for transfer to the post of GDS BPM Varavila is rejected and the post of GDS BPM Varavila is offered to the 4th respondent."

2. The applicant is aggrieved by the order issued by the 2nd respondent rejecting her request for transfer relying on new transfer guidelines issued in violation of various judicial precedents on this point. The applicant entered into the service during 2015 and has completed 3 years of service making her eligible for a transfer in accordance with Annexure A-3 guidelines. Accordingly, she had sought for transfer on marriage grounds with sufficient records in the year 2018. However, the same was rejected on the ground that new guidelines had come into force on 04.01.2019. Her request was rejected by the respondents. Hence, she filed the present O.A.

3. Heard Mr. Vishnu S. Chempazhanthiyil, learned counsel appearing for the applicant and Mr. N. Anilkumar, learned SCGSC for the respondents.

4. Counsel for the applicant submits that the applicant has also filed an MA seeking a direction to consider her latest representation in the light of new guidelines issued by the Department. She will be satisfied, if her representation is considered and order is passed.

5. **In view of the above limited submission, without going into the merits of the case, the respondents are directed to consider her representation in the light of relevant rules and latest guidelines issued and pass a speaking order within a period of three months.**

6. Both the O.A and M.A are disposed of as above. No order as to costs.

(Dated, 9th March, 2021.)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

Applicant's Annexures

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| Annexure A-1 | - | True copy of the marriage certificate of the applicant. |
| Annexure A-2 | - | True copy of the communication No. B3/BO/Varavila dated 15.10.2018 issued by the 3 rd respondent. |
| Annexure A-3 | - | True copy of the transfer guidelines issued as per the DG's letter No. 19-10/2004-GDS dated 17.07.2006 and connected orders. |
| Annexure A-4 | - | True copy of order No. 17-31/2016-GDS dated 04.01.2019 issued by the 1 st respondent. |
| Annexure A-5 | - | True copy of order No. B3/BO/Gnl dated 27.05.2019 issued by the 3 rd respondent. |
| Annexure A-6 | - | A true copy of order No. ST/120/GDS Tfr/2019 dated 09.08.2019 issued by Office of the 2 nd respondent. |
| Annexure A-7 | - | True copy of order No. 17-31/2016-GDS dated 15.04.2019 issued by the 1 st respondent. |
| Annexure A-8 | - | True copy of representation dated 25.11.2020 to the 2 nd respondent. |

Annexures of Respondents

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| Annexure R-1 | - | True copy of the application dated 27.07.2018 submitted by the applicant. |
| Annexure R-2 | - | True copy of the application submitted by the applicant received on 17.01.2019. |
| Annexure R-3 | - | True copy of the reminder dated 30.01.2019 issued by the 3 rd respondent. |
