

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 558 OF 2009

Friday, this the 19th day of February, 2010

CORAM:

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

T.A.Dharmajan
Postal Assistant
Savings Bank Control Organization
Head Post Office
Aluva – 683 101

... Applicant

(By Advocate M/s Dandapani Associates
Advocate Mr.A.G.Aditya Shenoy)

versus

1. The Chief Postmaster General
Kerala Circle,
Thiruvananthapuram – 695 033
2. The Director of Postal Services
Office of the Postmaster General
Central Region
Kochi – 682 018
3. The Assistant Director
Department of Posts, India
Office of the Postmaster General
Central Region
Kochi – 682 018

... Respondents

(By Advocate Mr.Varghese P Thomas)

The application having been heard on 19.02.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The applicant working as Postal Assistant, Savings Bank Control Organization at Aluva has filed this Original Application challenging Annexure A-1 transfer order with a prayer to quash the same and for a direction to consider Annexure A-4 representation to transfer him to Cochin. This OA has been admitted by this Tribunal



on 19.08.2009 and notice has been ordered. While admitting this OA, this Tribunal had passed an interim order to the effect that the applicant may not be relieved. On receipt of notice issued a reply has been filed on behalf of the respondents.

2. Today this OA was heard at length. Learned counsel for applicant, Ms. Jebi Mather submits that Annexure A-1 transfer order is in gross violation of Annexure A-2 guidelines and Annexure A-3 letter regarding rotational transfer / extension of tenure, as the applicant is to retire on 30.04.2011. Further the counsel submits that applicant has completed so many years out side his native town, viz., Cochin and his representation at Annexure A-4 has not been considered by the authorities. Further it is submitted that one Shri P. Padmanabhan Nair, a Postal Assistant has been ordered to be posted at Head Post Office, Ernakulam in preference to the applicant, even though he has not completed his tenure of 4 years at the present station. Hence the present order was passed by the authorities with a malafide intention to help Mr. Padmanabhan Nair. To the above contention of the counsel for applicant, it is stated in the reply statement that the present transfer is only due to exigencies of service and also considering the convenience of the applicant to the maximum extent possible. To substantiate this contention, it is further stated in para 3 of the reply that the applicant has worked in Kannur, Thaliparamba, Ernakulam, Aluva Cherthala, Kunnamkulam, Irinjalakuda, such other places for several years and the transfer is in accordance with the guidelines issued by the Department for rotational transfer. It is further stated in the reply that there are two



officials who are due to retire from service in April and July, 2011 respectively and it is not possible to give a posting for the applicant at Cochin as the other person has to be accommodated in Cochin.

3. On an anxious consideration of the stand taken by the applicant and the respondents, the question is whether the applicant is entitled for the reliefs or not? Admittedly, at present the applicant is working at Aluva for the last four years and he is to retire on 30.04.2011. It is to be noted that the applicant had filed the present OA to the effect that his wife is undergoing treatment for Arthritis at Medical Trust Hospital, Ernakulam and Government Ayurveda Hospital, Thripunithura. That apart, his two children are studying in Ernakulam as well as in Poothotta, Cochin. It is also to be noted that as per Annexure A-3 letter issued by the Department even if the tenure is over with regard to an employee, it can be extended with reasons to be recorded. The only reason stated in the reply is that it is due to administrative exigencies, the present transfer is ordered. This Tribunal has to consider the question on the light of the facts as described above. Admittedly, the applicant is to retire on 30.04.2011 and he is settled at South Paravur for the time being. He belongs to Kumbalam, Cochin.

4. In the above circumstances, this Tribunal is of the view that the present transfer can be avoided by retaining the applicant either at Aluva or giving him a transfer to Cochin on considering Annexure A-4 representation. Secondly, this Tribunal found that the option is with the Department to take a decision in the above matter within a



reasonable time frame at any rate within one month from the date of receipt of a copy of this order.

5. With the above observation, it is ordered that Annexure A-1 shall not be given effect until a decision is taken on the matter on considering Annexure A-4 representation by the 2nd respondent. A decision to the above effect has to be drawn on considering his representation as stated above within 30 days on receipt of a copy of the order. Till such a decision is taken, Annexure A-1 order shall not be implemented against the applicant.

6. OA is allowed to the above extent. There shall be no order as to costs.

Dated, the 19th February, 2010.

L. K. appan

JUSTICE K.THANKAPPAN
JUDICIAL MEMBER

vs