

Original Application No.1096 of 2012
Original Application No.282 of 2013
Original Application No.573 of 2013

Wednesday this the 28th day of May, 2014

C O R A M :

HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

Original Application No.1096 of 2012

Manoj B.K., Postal Assistant,
Chirayinkeezhu, Thiruvananthapuram,
Residing at Aswathy, Chirayinkeezhu,
Thiruvananthapuram-695 304.

...Applicant

(By Advocate Mr.Vishnu S. Chempazhanthiyil)

V e r s u s

1. Union of India, represented by Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
2. The Senior Superintendent of Posts,
Thiruvananthapuram North Postal Division,
Thiruvananthapuram-695 001.

...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

Original Application No.282 of 2013

P. Ramesh Kumar, Postal Assistant,
General Post Office, Thiruvananthapuram-695 001,
Residing at Ramesh Mandiram, Thamalam,
Poojapura PO, Thiruvananthapuram-695 012.

...Applicant

(By Advocate Mr.Vishnu S.Chempazhanthiyil)

V e r s u s

1. Union of India, represented by Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
2. The Senior Superintendent of Posts,
Thiruvananthapuram North Postal Division,
Thiruvananthapuram – 695 001.
3. The Postmaster, General Post Office,
Thiruvananthapuram – 695 001.

...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)



Original Application No. 573 of 2013

V. Harihara Subramoni Iyer, Postal Assistant,
Vallakadavu, Thiruvananthapuram – 695 008,
Residing at T.C. 37/1682 PRRA-16,
Punnakkal Road, Fort Post Office,
Thiruvananthapuram – 695 023.

...Applicant

(By Advocate Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1. Union of India, represented by Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.

2. The Senior Superintendent of Posts,
Thiruvananthapuram North Postal Division,
Thiruvananthapuram-695 001.

...Respondents

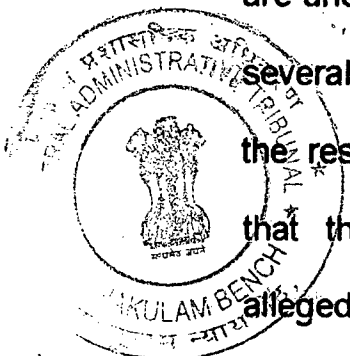
(By Advocate Mr. Sunil Jacob Jose, SCGSC)

These applications having been heard on 28th May 2014 this Tribunal
on the same day delivered the following :-

O R D E R**HON'BLE Mr. JUSTICE A.K. BASHEER, JUDICIAL MEMBER**

These three Original Applications are being disposed of by this
common order since the issues involved in them are identical and the
grievance of the applicants is common.

2. Applicants who are working in the cadre of Postal Assistants
in Thiruvananthapuram North Postal Division were transferred from
their respective stations to three Post Offices within the same Postal
Division to function as Sub Postmaster. The said orders of transfer
are under challenge in these Original Applications. Applicants have raised
several contentions in support of their plea that the action of
the respondents is totally arbitrary and illegal. It is contended by them
that these transfers were not warranted at all especially since the
alleged shortage of personnel in the grade of Sub Postmaster was not due



to any fault of theirs. It is pointed out that these transfers and that too shortly after they were given the benefit of financial upgradation under the Modified Assured Career Progression Scheme are totally ill-timed and malafide.

3. The case of the respondents is that there was acute shortage of personnel in the grade of Sub Postmaster. Qualified and experienced Postal Assistants with not less than ten years experience were identified and all such Postal Assistants were designated as Sub Postmasters to tide over the contingency. Applicants happen to be three among the 20 to 30 such Postal Assistants who were designated as Sub Postmasters. It is submitted by the learned counsel for the respondents at the Bar that departmental examination for selection to the post of Sub Postmaster has already been held in 2013 and further steps are being taken to resolve the issue of shortage at the earliest. Anyhow it is the admitted position that the applicants have joined duty at the respective stations and they are now discharging the functions of Sub Postmaster.

4. Be that as it may, I do not propose to deal with the issues or the grievance highlighted by the applicants in these Original Applications since it is submitted by learned counsel for the applicants that the applicants will be satisfied if a direction is issued to the competent authority to consider the representations that may be allowed to be submitted by them at the earliest. In the peculiar facts and circumstances of the case, I am satisfied that the above prayer is only just and reasonable.



4.

5. It will be open to the applicants to submit their individual representations before the competent authority highlighting their grievances, within four weeks from the date of receipt of a copy of this order. If such individual representations are received from the applicants, the competent authority shall take a decision thereon in accordance with the rules and regulations that govern the field. This shall be done as expeditiously as possible at any rate within two months from the date of receipt of the representations.

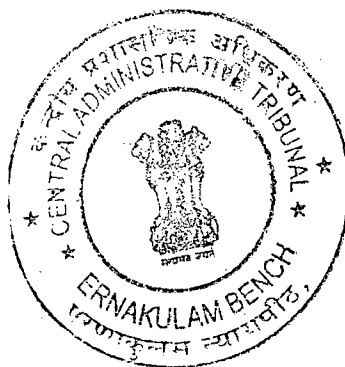
6. The Original Applications are disposed of in the above terms.

(Dated this the 28th day of May 2014)

Sd/-

JUSTICE A.K.BASHEER
JUDICIAL MEMBER

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CERTIFIED TRUE COPY

Date 21.5.2014

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Section Officer (Judl)