

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 591 of 1998.

Wednesday this the 29th day of September, 1999.

CORAM:

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

K. Madhusoodanan Nair
Postal Assistant,
Sasthamangalam P.O.

.. Applicant

(By Advocate Shri Sasidharan Chempazhanthiyil)

Vs.

1. The Sub Postmaster, Sasthamangalam.

2. Superintendent of Post Offices,
(South), Trivandrum.

3. P. Rajagopalan,
Superintendent of Post Offices,
(South) Trivandrum.

4. Chief Postmaster General,
Kerala Circle, Trivandrum.

5. S. Baskaran Nair,
Postal Assistant,
Ernakulam P.O.,

.. Respondents

(By Advocate Shri Varghese P Thomas, ACGSC(R.1, 2 & 4))

The application having been heard on 29th September, 1999,
the Tribunal on the same day delivered the following:

O R D E R

The applicant is a Postal Assistant working since 15.6.90 under the 2nd respondent, Superintendent of Post Offices (South), Trivandrum. He is aggrieved by the impugned order (A4) transferring him from Sasthamangalam to Tirumala. It has been stated by the applicant that he has been transferred frequently by the 2nd respondent as shown below:

No.	Date	Station from	Station to
1.	11.05.94	Circle Training Telecommunication	Nedumangad
2.	26.02.96	Nedumangad	Pacha
3.	22.03.96	Pacha	Vattiyoorkavu
4.	24.10.97	Vattiyoorkavu	Sasthamangalam
5.	13.04.98	Sasthamangalam	Tirumala

2. It has also been stated that the 5th respondent was posted as Postal Assistant under the first respondent in place of the applicant as per A-4. The 5th respondent is not a qualified person to work in the Savings Bank Branch as he has not passed the Aptitude Test so far, whereas the applicant has passed aptitude test for PAs on 10.2.95.(A1). It has also been stated that there are two other long term permanent vacancies remaining un-filled under the first respondent even after A-4 transfer order. The relief of the applicant is, therefore, not indispensable to accommodate the 5th respondent as Postal Assistant under the first respondent as Postal Assistant.

3. Heard the learned counsel for applicant Shri Sasidharan Chempazhanthiyil and Shri Varghese P. Thomas, Standing counsel appearing for respondents. Learned counsel for applicant submits that the applicant has also trained in Morse and Teleprinter. There is no special allowance attached to the Postal I Assistant Teleprinter, Tirumala and therefore, A-4 is arbitrary.

4. Learned counsel for the respondents firmly opposed the O.A. and submitted that the transfer was made on administrative exigencies. He also stated that, a mere pass in the Savings Bank Aptitude Test does not entitle the applicant for retention of the posting at Sasthamangalam. When the number of officials, who pass the aptitude test is more than the number of actual requirement, then a reserve list of such officials on divisional basis according to their seniority will be prepared and maintained and future postings will be made from the reserve list on seniority basis by the Divisional Superintendent after ascertaining the willingness of officials in the reserve list. He also stated that the averment of the applicant that he is a victim of frequent transfer is distorted and not true to facts. The applicant was deputed for

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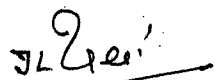
teleprinter training at Circle Telecommunication Training Centre, Trivandrum from 16.3.94 to 16.9.94 for which he was granted one additional increment with effect from 17.9.94.

5. While going through the facts of the case and the pleadings on record, the learned counsel for the applicant submits that the applicant had made a representation (A9) to the 4th respondent which is still pending with him. He also states that considering the fact that the said representation is still pending with the 4th respondent, he wishes to make a comprehensive representation to the 4th respondent. The counsel for the respondents also agreed that, if such a representation is made, the 4th respondent shall consider it and pass appropriate orders.

6. Accordingly, applicant is allowed to make a comprehensive representation to the 4th respondent within two weeks from today and the 4th respondent shall dispose of the earlier representation(A9) as well as the comprehensive representation within two months from the date of receipt of the representation and communicate the decision to the applicant within the said period. Should the applicant feel aggrieved on the outcome of the consideration, it will be open for him to seek appropriate relief in accordance with law. No costs.

Application is disposed of as above. No costs.

Dated the 29th September, 1999.



J.L. NEGI

ADMINISTRATIVE MEMBER

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List of annexures referred to in the order:

Annexure A1 : True copy of the Memo No.B/SB/AT/II/95 dated 1.2.1996 issued by the 2nd respondent.

Annexure A4 : True copy of the Memo No. B/TFR dated 13.4.1998 issued by the 2nd respondent.

Annexure A9 : True copy of the representation dated 16.4.98 submitted by the applicant to the 4th respondent.