

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 620/91
~~XXXXXX~~

189

DATE OF DECISION 9-10-1991

NB Divakaran Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

The Director of Postal Services,
Central Region, Cochin-16 Respondent (s)
and others.

Mr KA Cherian, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member
and

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

Shri N Dharmadan, J.M

The applicant who is presently working as a Supervisor, SBCO, Chalakudi from 13.3.1989 filed this application under Section 19 of the Administrative Tribunals Act, 1985 challenging the Annexure-I order dated 19.4.1991 transferring him to Kattappana H.O. and posting the Respondent-3 in his place.

2 The applicant is the Organising Secretary of All India Postal Employees Union. On 23.9.1989 the Post Master abused the applicant and he filed Annexure-II written complaint to the Director of Postal Services. But no action was taken against this Post Master. The applicant was warned on 30.8.1990. It is thereafter the transfer order was passed. Hence it is punitive

in character. He was also raised various other grounds to attack the transfer order.

3 The respondents have filed a detailed reply statement stating that the transfer has been effected in the exigencies of service because of some quarrel ~~and~~ ⁴ ~~strained relationship~~ ⁴ ~~existed~~ between the applicant and the HPO while working at Chalakudi.

4 The applicant has also filed a rejoinder denying the statements in the reply and pointing out some of the vacancies to which he can be accommodated in the nearby place either at Kattappana or Trichur or Aluva. He also stated that one Shri Subramanian working at Irinjalakuda is willing to work at Chalakudi and submitted a request for transfer. ^{According to him 4} Applicant can be accommodated in his place. He has also submitted similar requests.

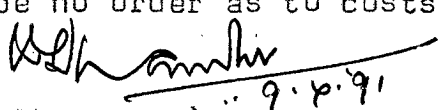
5 At the time of hearing, the learned counsel for the applicant submitted that the main reason for the transfer of the applicant stated in the counter affidavit is no more existing because the officer with whom there was some strained relationship which developed during his working at Chalakudi has already retired from service and hence the applicant can be accommodated in Chalakudi itself, particularly because of the fact that the 3rd respondent is not willing to come and join the post. He has also pointed out other vacancies in the nearby places for accommodating him. However, he will be satisfied if the application is disposed of with a direction to consider the applicant's claim ⁴ ~~for~~ transfer to a nearby place in

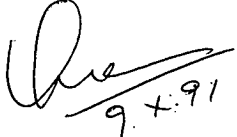
the vacancy which is existing at present or likely to arise at Irinjalakuda, Aluva or Trichur in the near future as indicated in the rejoinder. He ~~is~~^{is} proposed~~ed~~^{ed} to file a detailed representation if permission is granted by this Tribunal. The learned counsel for the respondents has no objection in allowing the prayer and considering the request of the applicant and dispose of the case with a suitable direction.

6 Accordingly, after hearing the parties we are of the view that interest of justice would be met in this case if we dispose of this application with suitable directions.

7 In the result, we direct the applicant to file a fresh representation before the 1st respondent pointing out his grievances against his transfer and the vacancy position so as to enable the 1st respondent to consider the same. He shall submit such representation within a period of one week from the date of receipt of the copy of the judgment. If such a representation is received by the Respondent-1 as directed above, he shall consider the same and dispose it of in accordance with law, within a period of one month from the date of receipt of the representation. Till then, the Annexure-I order shall be kept in abeyance ^{it concerns} in so far as ^{the} transfer of the applicant and Respondent-3.

8 The application is accordingly disposed of and there will be no order as to costs.


(N Dharmadan)
Judicial Member


(NV Krishnan)
Administrative Member

9-10-1991