

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 145 of 2009

Thursday, this the 6th day of August, 2009

CORAM:

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

S.D. Pradeep, GDS MC,
Veliyannur P.O.,
Vellanad, Thiruvananthapuram.

Applicant

(By Advocate – Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1. The Superintendent of Post Offices,
Thiruvananthapuram South Division,
Thiruvananthapuram-14.
2. Union of India, represented by Chief
Post Master General, Kerala Circle,
Thiruvananthapuram.

Respondents

(By Advocate – Mr. S. Abhilash, ACGSC)

The application having been heard on 06.08.2009, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. George Paracken, Judicial Member -

The applicant has filed this OA seeking direction to the respondents to grant him protection of pay consequent upon his transfer from GDSMC Panayamuttom to GDSMC Veliyannur. In this regard he has relied upon the judgment of this Tribunal in OA No. 704 of 2004 - A. Prakasan Vs. Superintendent of Post Offices & Ors. dated 19.10.2006. In the said OA



this Tribunal has held that the respondents were required to refix the TRCA of the applicant therein in the scale of Rs. 1600-40-2400/- after taking into account the increments drawn by him in scale of pay of Rs. 1740-20-2640/- and duly protecting his last pay drawn. Subsequently, the Full Bench of this Tribunal in OA 270 of 2006 and other connected matters decided on 14th November, 2008 has also followed the aforesaid decision and held as under:-

"49(b) In so far as transfer from one post to the same Post with Diff. TRCA and within the Same Recruitment Unit, administrative instructions provide for protection of the same vide order dated 11th October, 2004, subject only to the maximum of the TRCA in the transferred unit (i.e. maximum in the lower TRCA)."

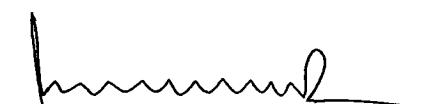
2. The respondents in their reply has also stated that they are willing and ready to grant the protection of TRCA to the applicant in this OA in terms of the instructions contained in Annexure R-3 letter dated 11.2.1997, annexed to their reply. They have also stated that there is already a provision therein that in the case of placement of an ED agent from one post office to another within the same recruiting unit, the same shall be treated as transfer and the ED agent concerned will not forfeit his past service for any purpose including seniority. He has therefore, submitted that as the applicant has been transferred from the post of GDS MC Panayamuttom to GDS MC Veliyannur which comes with the same recruiting unit, he would come within the ambit of the R-3 order and would be eligible for protection of TRCA.

3. In view of the aforesaid reply of the respondents in our opinion no

further directions are required to be issued. Hence, we restrict our direction only to the extent that respondents shall issue necessary orders in terms of the aforesaid submission in their reply within a period of two months from the date of receipt of copy of this order. It goes without saying that the applicant is also entitled to the arrears of pay and allowances consequent to the aforesaid direction. There shall be no order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(GEORGE PARACKEN)
JUDICIAL MEMBER

"SA"