

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 258 of 2011

Tuesday, this the 30th day of August, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

T. Mohanan, S/o. Kunhiraman Nambiar,
 Aged 49 years, GDSMD/ML, Keecheri P.O.,
 Mattannur (via), Kannur 670 702.

..... **Applicant**

(By Advocate – Mr. Grashious Kuriakose)

V e r s u s

1. Union of India, represented by the Secretary to
Department of Posts, New Delhi.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
3. The Superintendent of Post Office,
Thalassery Division, Thalassery.

..... **Respondents**

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 30.8.2011, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

Applicant is working as GDSMD/MC, Keecheri. He was appointed as EDMC at Kara-Peravoor on 12.10.1990. That post was abolished subsequently and he was transferred and posted to ED Packer, Chittariparamba, 27 Kms. away from his house. Subsequently even that post was also abolished and he was again retrenched and posted as GDSMC, at

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P.R. Nagar. Subsequently, on 8.2.2010 when the mail route was mechanized he was once again transferred and posted as GDSMD/MC, Keecheri. He is now seeking a transfer to BPM, Kayani which is only 1.5 Kms. away from his house. He made a representation in that behalf and in that he submitted that he has some health problems besides other personal reasons. He also declared that he will waive his right, if any, for the higher rate of TRCA to be paid in case he is transferred to Kayani. Respondents, however, without heeding to the undertaking rejected his request on the sole ground that the transfer sought for to the post is having lower TRCA. In similar cases reliefs have been moulded directing the consideration of such application provided the applicant waive his right for payment of TRCA in the higher rate to be paid to him in the transferred place.

2. It is pointed amongst other things in the reply statement that he is not a resident of the locality. But in the rejoinder applicant points out that it is only 1.5 Kms. away from his residence and further his residence is just at the border.

3. In the facts and circumstances of the case after hearing both sides, we direct the respondents to consider his representation afresh and pass appropriate orders. It is pointed out in the impugned order that the place to which the applicant is transferred carries a lesser TRCA. He has already given an undertaking not to claim higher rate of TRCA which he is now drawing. The TRCA as admissible in the post office to which transfer is sought for is less than the TRCA what he is now getting. Hence he can only

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claim the TRCA as is applicable to the post at Kayani subject to the condition as aforesaid. The appropriate orders may be passed by the authority concerned within a period of one month from the date of receipt of a copy of this order. Let the applicant produce a copy of the judgement and the Original Application to the 2nd respondent for information and compliance.

4. Accordingly, the Original Application is disposed of. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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