

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 267 OF 2009**

Tuesday, this the 5<sup>th</sup> day of May 2009.

**CORAM:**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

B. Padmakumar,  
Assistant Superintendent of Post Offices,  
Ernakulam Sub Division, Ernakulam,  
residing at Flat No.2 F, Friends Avenue,  
Kumaranasan Road, Kadavantha,  
Kochi-19.

... **Applicant**

(By Advocate Mr. M.R. Hariraj)

versus

1. Union of India, represented by  
the Secretary to Government of  
India, Department of Posts,  
New Delhi.
2. The Chief Post Master General,  
Kerala Circle, Thiruvananthapuram.
3. The Post Master General,  
Central Region, Ernakulam.
4. The Post Master General,  
HQ Region, Trivandrum.

... **Respondents**

(By Advocate Mr. T.P.M. Ibrahim Khan)

The application having been heard on 05.05.2009 the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

The applicant was initially transferred to Ernakulam from Trivandrum on his request of 2007 as his spouse was employed in Ernakulam at that material point of time. Subsequently on 06.01.2009, he had made a request for transfer to Trivandrum North Division or Circle

Office vide Annexure A-3 letter. The reason for such a transfer was to enable him to look after his aged mother who had undergone Angioplasty recently at Medical College, Trivandrum. Vide Annexure A-1 order dated 21.04.2009 the applicant has been transferred from the Central Region to ASP, Pathanamthitta Sub Division and it has been indicated that this transfer is at his request. The applicant preferred a representation dated 24.04.2009 stating that his request was only for a posting at Trivandrum and posting to Pathanamthitta was not a request from him. He has therefore, requested the respondents to re-consider the transfer order and he may be posted in the vacant post of ASP (OD), Trivandrum South Division. In the said representation he has also requested that should his request for transfer to Trivandrum be not acceded to, he may be permitted to withdraw his request letter dated 06.01.2009. This representation has not so far been considered by the respondents.

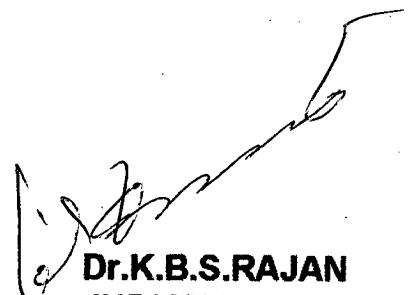
2. As the applicant has never asked for transfer to Pathanamthitta, there appears to be a mistaken impression on the representation dated 06.01.2009 where he had requested for re-allotment to Hqs Region at South (Trivandrum) (which was necessary for his being transferred to any of the vacancies in Circle Office or Trivandrum North Division.)

3. In view of the above, since there is no request for Pathanamthitta prima facie the transfer order so far the applicant is concerned is not justified. Let the respondents dispose of the representation dated 24.04.2009 considering the applicant's request either for Circle Office or Trivandrum North Division (request dated 06.01.2009) or to ASP (OD) Trivandrum South Division (as requested in letter dated 24.04.2009) and

the decision may be communicated to the applicant. Needless to mention that if his request for transfer is not acceded to, his earlier representation dated 06.01.2009 would be only deemed to have been cancelled. The applicant shall not be shifted from the present place of posting till a decision is taken.

4. OA is disposed of accordingly. No costs.

Dated, the 5<sup>th</sup> May, 2009.



Dr.K.B.S.RAJAN  
JUDICIAL MEMBER

vs