

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.316/2002

Wednesday, this the 5th day of June, 2002.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

V.N.Rekha,
Postal Assistant,
Kattapana Post Office,
Idukki Division. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Superintendent of Post Offices,
Idukki Division,
Thodupuzha.
2. The Post Master General,
Central Region,
Kochi-682 016.
3. The Chief Post Master General,
Kerala Circle,
Trivandrum.
4. Union of India represented by
its Secretary to Government of India,
Department of Posts,
Ministry of Communications,
New Delhi. - Respondents

By Advocate Mr MR Suresh, ACGSC

The application having been heard on 5.6.2002 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a Postal Assistant, Kattapana Post Office, made a representation to the 1st respondent requesting for a transfer to Thodupuzha or nearby stations. Finding that

she has not been transferred, the applicant has filed this application for a declaration that she is entitled to be transferred to plane station as she had completed more than the tenure period in hard station and for a direction to the 2nd respondent to consider her representation(A-3) and to transfer her to Thodupuzha or nearby stations.

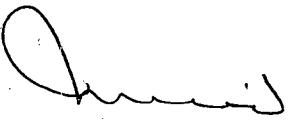
2. Shri M.R.Suresh, ACGSC who took notice on behalf of the respondents states that as at present there is no vacant post either in Thodupuzha or nearby stations as requested by the applicant. He also states that as and when a vacancy would arise, the request of the applicant for transfer to his choice station would be considered in accordance with law. However, he states that there is no occasion for any judicial intervention in the matter.

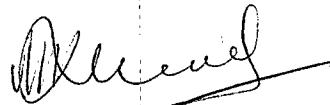
3. We have heard the learned counsel on either side. The applicant does have a right for a declaration that she is entitled to be posted to any place of her choice. If an employee is faced with any difficulty, it is natural for him or her to make a request for transfer to a convenient station and in such case, the competent authority could sympathetically consider such requests. In this case, the respondents have stated that the request of the applicant could not be considered as there is no vacancy and they assure that as and when a vacancy would arise, the applicant would be considered. We do not find, therefore, any occasion for grant

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of a declaration as sought for by the applicant. However, we expect the respondents would consider the request of the applicant for a transfer as and when it would be administratively feasible. The application is accordingly closed with the above observation.

Dated, the 5th June, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the representation dated 12.1.2002 submitted by the applicant to the 1st respondent.
2. A-2 : True copy of the Order No.81/15/DLGS/VII dated 9.4.2002 issued by the 1st respondent.
3. A-3 : True copy of the representation dated 10.4.2002 made by the applicant before the 2nd respondent.
4. A-4 : True copy of the relevant extract of DG P&T letter No.69/4/79 SPBI dated 2.11.81 orders regulating rotational transfers.
5. A-5 : True copy of the minutes of the by monthly meeting held on 2.2.2002 between 2nd respondent and the Union representatives.

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