

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.324/2002

Tuesday this the 7th day of May, 2002.

CORAM

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.P.Choyikutty
S/o Late K.P.Theyyan
Deputy Supdt. of Post Offices
Calicut Division, Calicut-2.
Residing at Smitha Nivas
Badagara.

...Applicant.

(By advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India rep.by
The Secretary to the Government of India
Ministry of Communications
Department of Posts
New Delhi.
2. The Director General of Post Offices
New Delhi.
3. Assistant Director (Staff)
Office of the Chief Post Master General
Kerala Circle, Trivandrum.
4. The Chief Post Master General
Kerala Circle, Trivandrum.

Respondents

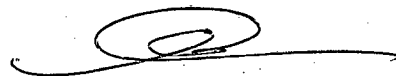
(By advocate Mrs.P.Vani, ACGSC)

The application having been heard on 7th May, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Applicant is working as Deputy Superintendent of Post Offices in Group B Services at Calicut. By A-1 order dated 7.2.02 the applicant was directed to be relieved on transfer to Nashik Division of Maharashtra Circle. Applicant is a native of Badagara and his wife had recently undergone an operation for brain tumor. His children are studying in schools and any disturbance at this stage, according to him, will put him in great difficulty and hardship. He made a representation dated



7.2.2002 to the second respondent requesting for allotment of his post either to Tamil Nadu or Kerala Circle in the existing Group A vacant post or permit him to decline his promotion to Group A post. The OA is filed seeking the following reliefs:

- (a) Call for the records leading to the issue of Annexure A-1 and quash the same to the extent it transfers the applicant to Maharashtra Circle.
- (b) Direct the respondents to consider the applicant for a posting in Kerala or Tamil Nadu Circle against a vacancy of Senior Superintendent of Post Offices in Junior Time Scale Group A Services forthwith.
- (c) Award costs of and incidental to this application.
- (d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. Counsel for the respondents submitted that the reliefs sought cannot be granted since it is a question of promotion transfer. However, the counsel agreed that A-2 representation can be directed to be disposed of by second respondent within a month's time. Applicant's counsel also agreed to the course of action as suggested by the counsel for the respondents.

3. Considering the submissions made by the counsel for the parties, the second respondent is hereby directed to consider and dispose of A-2 representation within one month from the date of receipt of this order. In the meantime, the operation of A-1 order is stayed and the applicant shall not be relieved if not already relieved.



4. The Original Application is disposed of as above with no order as to costs.

Dated 7th May, 2002.



(K.V.SACHIDANANDANO
JUDICIAL MEMBER

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Appendix

Applicants' Annexures:

1. Annexure A1: True copy of the Memo bearing No.ST/1/1/4/2001 dated 7/2/02 issued by the Assistant Director (Staff), Kerala Circle, Trivandrum.
2. Annexure A2: True copy of the representation dated 7-2-2002 submitted by the applicant addressed to the 2nd respondent.

Respondents' Annexures: Nil