

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 327 of 2008

Friday, this the 16th day of January, 2009

C O R A M :

HON'BLE MR JUSTICE M. RAMACHANDRAN, VICE CHAIRMAN

N.J. Augusthy, S/o. Joseph,
Postal Assistant, SBCO, ICO (SB),
Office of the Postmaster General,
Central Region, Residing at 33/2953(A),
Chilampilkunnel, St. Mathew's Church Road,
Vennala P.O., Cochin : 682 028

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Applicant.

(By Advocate Mr. Hariraj M.R.)

v e r s u s

1. Union of India represented by the
Secretary to Government of India,
Department of Posts, New Delhi.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Postmaster General,
Central Region, Cochin – 682 018

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Respondents.

(By Advocate Mr. Sunil Jose, ACGSC)

The Original Application having been heard on 16.01.09, this Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. JUSTICE M. RAMACHANDRAN, VICE CHAIRMAN

It appears that for the time being there need not be an examination
about the merits or demerits of the contentions raised in the O.A..

2. According to the applicant, he is protected by A/2 order of this Tribunal. In case of a transfer the same was to be implemented only after getting his representation and disposing it on merit. Mr. Hariraj submits that Annexures A-3 and A-6 presently issued requires the applicant to report to the Senior Postmaster, Emakulam HO for seeking further instructions for joining at Trichur and this effectively has diluted the effect of the earlier order. It was irregular. He submits that admittedly Annexure A-4 representation already made on 18.02.08 is pending with the appropriate authority.

3. Mr Sunil Jose submits that the impact of the order has been wrongly understood by the applicant and the Department is very clear that a decision one way or the other is to be taken only after noticing his representation. In other words, it is submitted that till disposal of A/4 representation of the applicant, effectively, A/3 order would not be implemented. The O.A. according to him is premature.

4. I record the above statement. The respondent No. 2 is directed hereby to take notice of A/4 representation appropriately on merit/dispassionately and advise the applicant appropriately. In case still there is a proposal for transfer, the applicant will be at liberty to take measures as law permits.

5. The Original Application is disposed of in the above terms.

(Dated, the 16th January, 2009)



(JUSTICE M. RAMACHANDRAN)
VICE CHAIRMAN

cvr.