

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.387/2003

Friday this the 2nd day of July, 2004.

C O R A M

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

K.Janardhana Kurup,
Postal Assistant,
Head Post Office,
Karunagappally.
Residing at :
J.V.House,
Mavinmood,
Kallambalam

: Applicant

[By Advocate Mr.C.Unnikrishnan]

Vs.

1. Union of India represented by its
Secretary,
Department of Posts,
New Delhi.
2. The Senior Superintendent of Post Offices,
Kollam Division,
3. M.Sunila,
POstal Assistant,
Post Office,
Ochira.
4. Mariam K.Joseph,
Postal Assistant,
Head Post Office,
Karunagappally

: Respondents

[By Advocate Mr.M.R.Suresh, ACGSC (R1-2)]

The application having been heard on 02.07.2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Postal Assistant, Head Post Office,
Karunagappally was by an order dated 25.04.2003 (Annexure
A-4), as part of general transfer, transferred from
Karunagappally to Mynagappally in Kollam Division. Prior to

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the transfer, a general circular (Annexure A-2) was issued calling for options regarding transfer. The applicant had opted for a posting to Ochira. Finding that by Annexure A-4 order the applicant was not given his choice posting and one Mr. John P. Thundil was given a posting at Ochira. M. Sunila was retained at Ochira and Mariam K. Joseph was also retained at Karunagappally, the applicant submitted Annexure A-3 representation requesting for cancellation of the transfer order or atleast to grant him extension of tenure by one year. Finding that this representation was not considered and disposed off, the applicant filed O.A.367/03 challenging the transfer. The O.A was disposed off by an order dated 29.04.2003 (Annexure A-7) directing the Senior Superintendent of Post Offices, Kollam Division to consider the representation of the applicant particularly taking into account that he had only two years for reaching the date of superannuation and to dispose of the representation with appropriate order. The applicant submitted additional representation, Annexure A-8 on 10.05.2003. After considering the representations in terms of the directions contained in the Tribunal's order, the 2nd respondent issued the impugned order Annexure A-1 rejecting the claim of the applicant for retention at Karunagapally. Aggrieved by that, the applicant has filed this application seeking to set aside Annexures A-1 and A-4 and for a declaration that the applicant is entitled to be considered for retention at Karunagappally or a transfer to Ochira in view of Annexure A-2 and for a direction to the 2nd respondent to consider and pass orders on Annexures A-3 and A-6 representations on the basis of Annexure A-1 order.

2. When the matter came up for hearing on admission, Mr.M.R.Suresh took notice on behalf of respondents. The application was admitted and as an interim measure, respondents were directed not to take any action pursuant to Annexure A-1 & A-4 the extent it affects the applicant.

3. Respondents in their reply statement contend that the applicant has been transferred from Karunagappally to Mynagappally and his request for posting to Ochira could not be acceded to because Mr.John P. Thundil, who was senior to the applicant had made a request for posting at Ochira. The retention of Mariam K.Joseph at Karunagappally is sought to be justified on the ground that as she is having computer expertise, it was necessary for the department to retain her there. The applicant having not disclosed the place of his residence and having given a posting to Mynagappally, which is less than 7 Kms. away from Karunagappally has no undue hardship on account of the transfer because there is a residential accommodation attached to that post, contend the respondents. Transfer having been made on administrative grounds, the Tribunal may not interfere, pleaded the respondents.

4. I have carefully gone through the pleadings as also the materials placed on record. I have heard Mrs. Rani, learned counsel for applicant and Mr.M.R.Suresh, ACGSC for the respondents. I find that the applicant was continuing in the post at Karunagappally for more than a year on the basis of interim order of the Tribunal. Even in his representation

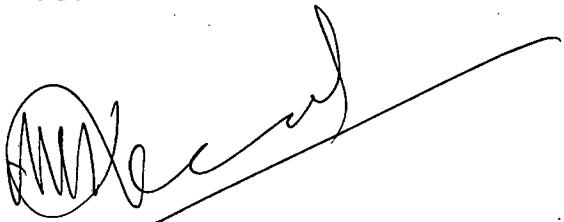
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Annexure A-3 the applicant had pleaded only that if retention at Karunagappally was not possible, he might be atleast given retention for a period of one year. It was this representation that was directed to be considered and disposed of in the order in OA 367/03. By continuing at Karunagappally on the basis of the interim order, the purpose of making the representation Annexure A-3 has already been achieved. In that light, the applicant does not have any surviving grievance which calls for redressel. Further the impugned order Annexure A-4 as also the decision taken by Annexure A-2 on the representation of the applicant, i.e Annexure A-1 are just and proper and unexceptionable. The retention of Mariam K.Joseph, Respondent No.4 has been justified by the respondents saying that her expertise could be utilised at Karunagappally. The retention of Sunila, Postal Assistant at Ochira cannot be challenged by the applicant because the competent authority in the department has the right and discretion to allow the request for retention in any station by its employees taking into account the relevant factors. The applicant was due for transfer and he had already completed the tenure and it was because there was no open vacancy at Ochira that he was not given a posting there. No allegation of malafides has been levelled against Annexure A-2. It has not been alleged that any statutory rules have been violated in ordering the transfer and the order disposing of the representation by Annexure A-1. Under these circumstances, I am of the considered view that the application does not have any merit at all.

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5. In the light of what is stated above, the application is dismissed leaving the parties to bear the costs. The applicant should report at the transferred station without delay. No costs.

Dated, the 2nd July, 2004.



A.V. HARIDASAN
VICE CHAIRMAN