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**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00912/2018**

**Thursday, this the 6<sup>th</sup> day of December, 2018**

**CORAM:**

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER  
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Minooja K,  
W/o Rajesh K.G.,  
Working as Postal Assistant,  
Kidangoor SO-686572,  
residing at Kannuvettiyl (H),  
Kattachira P.O.,  
Kidangoor – 686572.

....Applicant

**(By Advocate Mr.V.Sajith Kumar)**

**V e r s u s**

1. The Union of India,  
represented by the Secretary to the  
Government of India,  
Department of Post,  
Government of India,  
New Delhi – 110 001.

2. The Chief Postmaster General,  
Kerala Circle,  
Trivandrum – 695 033.

3. The Senior Superintendent of Post Office,  
Kottayam – 686 001.

...Respondents

**(By ACGSC, Mr.P.G.Jayan for Respondents)**

This application having been heard on 4<sup>th</sup> December 2018, the Tribunal  
on 6<sup>th</sup> December, 2018 delivered the following :

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**ORDER**

**HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

The controversy in the case relates to the issuance of transfer and postings ordered on 29.06.2018 (Annexure A1) by Respondent-3 relating to the cadre of SPMs/PAs . The applicant had approached this Tribunal seeking interference from our side on the ground that the said postings had been issued in violation of various guidelines issued by the Department from time to time. In OA Nos.601/2018, 622/2018, 649/2018, 652/2018, 677/2018, 682/2018, 683/2018, 690/2018 and 708/2018, Postal Assistants had challenged the order at Annexure A1 on various grounds such as non-completion of tenure in existing posts, ignoring option submitted and grave personal inconvenience. This Tribunal through order dated 04.10.2018 had disposed of the OAs directing the official respondents to examine each case in relation to norms and orders issued by the respondent Department from time to time and after considering the arguments raised in the OAs. It was further ordered that the transfers in question were not to be given effect to until speaking orders were issued in each case.

2. This OA No.912/2018 is filed by Smt.Minooja K, Postal Assistant aggrieved by her transfer and posting to the higher cadre of Sub Post Master before completion of minimum tenure at present station. It is submitted that the applicant had hardly completed one year at her present post at Kidangoor . She had not been granted MACP on account of a minor penalty. The tenure at

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one station as per the policy of the respondent organisation would be 4 years. She was liable for transfer after 2/3 years if she had been holding a sensitive post, which is not the case. She cites several others who have sought posting to the station she has been posted to, such as one Sri Joemon working at Kottayam with more than 10 years service, as also the case of the present incumbent who has only a few months to retire and had requested to be retained at Pala . She draws the attention of the Tribunal to the instructions issued by the Chief Post Master General at Annexure A7 wherein the following directions are given:

“..... There is no dearth for MACP-3, MACP-2 and MACP-1 officials in any postal division. Hence there is no justification in posting newly recruited officials as SPMs in single-handed and B-class offices. It is reiterated that, time-scale PAs should not be posted as SPMs of any post offices under any circumstances.”

3. In reply the respondents while admitting that the applicant has not got her MACP-1 states that, her case for financial upgradation will be considered at the next Divisional Promotion Committee. She has got 11 years service and has been posted only 6 kms away from her present station. They further maintain that she is knowledgeable and eligible to hold charge of the Post of Sub Post Master. It is admitted that there are at least 18 people in the Division as detailed in the reply statement who are eligible to be posted as Post Masters after having obtained MACP-1, but these 18 persons are being retained in their present post as they had not completed this tenure/ as they are physically handicapped or are Union leaders.

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4. As per the decision in OA No.601/2018 along with the other OAs this Tribunal had directed the respondents to consider the case of each transferee who is aggrieved by the impugned mass transfer order at Annexure A1. The 3<sup>rd</sup> respondent had rejected the request of the applicant in this OA by Annexure A8 order. Two facts are admitted by the respondents. Firstly, the applicant had not completed her tenure at her present station. Secondly that she has not been granted MACP-1.

5. On examining the reply statement as well as the arguments offered by the respondents' counsel Shri P.G.Jayan, ACGSC, we see persons who are MACP grantees and who are eligible to hold the posts of Post Master, being kept in other positions for various reasons. A Policy or a set of Instructions issued at appropriate level has to be adhered to as otherwise it would be a sure recipe for disaffection. The respondents appear to invite interference by their clear flouting of their own instructions and norms. We, after considering all facts before us and hearing the contentions raised by Shri Sajith Kumar, learned Counsel for the applicant and Shri P.G.Jayan, ACGSC, conclude that the OA has merit and is liable to be allowed. We allow the same.

**(Dated this the 6<sup>th</sup> day of December 2018).**

**(ASHISH KALIA)  
JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)  
ADMINISTRATIVE MEMBER**

**List of Annexures in O.A. No.180/00912/2018**

1. **Annexure A1** – True copy of the transfer Memo No.B1/3/RT/2018 dated 29.06.2018 issued by the 3<sup>rd</sup> respondent
  2. **Annexure A2** – True copy of the notification No.B1/RT/2018 dated 25.06.2018 along with vacancy position issued by the 3<sup>rd</sup> respondent.
  3. **Annexure A3** – True copy of the General Transfer policy issued by the First Respondent by order No.141-141/2013-SPB-II dated 31.01.2014.
  4. **Annexure A4** – True copy of the Memo No.F6/02/2015-2016 dated 30.11.2016 issued by the 3<sup>rd</sup> respondent.
  5. **Annexure A5** – True copy of the representation submitted by the applicant dated 04.07.2018 before the 3<sup>rd</sup> respondent
  6. **Annexure A6** – True copy of the Order in OA 601/2018 and connected cases 04.10.2018 by the 3<sup>rd</sup> Respondent.
  7. **Annexure A7** – True copy of the circular No.ST/9-2/SR/2011 dated 25.08.2011 issued by the office of the 2<sup>nd</sup> Respondent.
  8. **Annexure A8** – True copy of the transfer Memo No.B/CAT/14/2018 dated 02.11.2018 issued by the 3<sup>rd</sup> respondent.
  9. **Annexure R1**- True copy of the order dated 02.02.2017 in OA No.624/2016.
  10. **Annexure R2** – True copy of the judgment dated 15.03.2017 in OP(CAT) 48/2017.
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