

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00965/2016

DATED THIS THE 22ND DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Puspala Janardhan
Age: 29 years,
S/o P. Sreenivasalu,
Working as Sorting Assistant
C/o SRO, RMS Q Division,
Mangalore – 575 001.
Residing at:
104, 2ypher Heights,
KMC Hospital,
Attavara,
Mangalore – 575 001.

.....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi – 110 001.

2. Chief Post Master General,
Karnataka Circle,
Bangalore – 560 001

....Respondents

(By Shri K. Gajendra Vasu, Senior Panel Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. Shri K. Gajendra Vasu, learned counsel for the respondents, produces letter No. R&E/2-1/ADR/2013 & 2014/V dated 01.11.2017 indicating that the minimum service condition for considering transfer of an official under Rule 38 is 5 years. However if the official requests for transfer under Rule 38 from RMS 'Q' Division to RMS 'HB' Division, his request will be considered by relaxing the service condition.

2. Shri P. Kamalesan, learned counsel for the applicant, submits that this seems to be a trap to bring him under Rule 38 which if allowed will bring him at the bottom seniority. He would say that because he had secured 68 marks and became higher in level to those posted in HB Division, Hubli who had secured 63 and less marks he should have been originally posted to that division alone and therefore this letter is of no use to him.

3. At this point of time, Shri K. Gajendra Vasu, learned counsel for the respondents, would submit that in fact nobody was posted to Hubli but in controversion to this Shri Kamalesan, learned counsel for the applicant, submits that he had given a list itself of people who had been posted to Hubli. If that be so, the applicant will be posted to Hubli without any other further request.

4. To the objection raised by Shri K. Gajendra Vasu, learned counsel for the respondents, Shri P. Kamalesan, learned counsel for the applicant, points to Page 16 and 17 of the OA in which people who had been transferred to

Hubli had been noticed and marks given to them also noted therein. We note that there are people with 64 marks, 65 marks and 66 marks whereas the applicant had received 68 marks. Therefore there will be a direction to post applicant to HB Division without any further representation in this regard. This may be done within two months next.

5. The OA is allowed to this extent. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA No.170/00965/2016

Annexure A-1: True copy of online application of the applicant for the direct recruitment of Postal Assistants/Sorting Assistants

Annexure A-2: True copy of CPMG Memo No: R&E/2-1/ADR/2013-2014/Con dated 20.10.2014

Annexure A-3: True copy of letter No B-1/7/Rectt/RMS Q Dvn/2014 dated 12.11.2014

Annexure A-4: True copy of representation of the applicant dated 02.01.2015 addressed to the Chief Post Master General, Bangalore.

Annexures with reply statement:

Nil
