

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/01089/2017**

Wednesday, this the 10<sup>th</sup> day of April 2019

**Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member**  
**Hon'ble Mr.Ashish Kalia, Judicial Member**

Ashwini Gopal  
Postal Assistant, Chenganur HO  
Thirivalla Postal Division – 689 121  
Residing at GRA B16, Ettayoorkonam Lane  
Kuruvikad, Vattiyoorkavu – 695 013

..... **Applicant**

**(By Advocate Mr.Vishnu S Chempazhanthiyil)**

**V e r s u s**

1. The Superintendent of Post Offices,  
Thiruvalla Postal Division, Thiruvalla – 689 101.
2. Union of India represented by  
the Chief Postmaster General  
Kerala Circle, Thiruvananthapuram – 695 033. .... **Respondents**

**(By Advocate – Mr.Thomas Mathew Nellimoottil, Sr. PCGC)**

This Original Application having been heard on 10.4.2019, the Tribunal on the same day delivered the following:

**O R D E R (ORAL)**

**Per: Mr.E.K.Bharat Bhushan, Administrative Member -**

Heard Mr.Vishnu S Chempazhanthiyil, learned counsel for the applicant and Shri Thomas Mathew Nellimoottil, Sr. PCGC learned counsel appearing for the respondents.

2. In accordance with the decision of this Tribunal in OA No. 180/329/2017 respondent No. 2 had considered the request of the applicant for Rule 38 transfer to Trivandrum North/South Division and had rejected the same stating that she had not spent the minimum tenure of 5 years in the present station among other reasons. She had joined service in Thiruvalla Postal Division on 24.11.2014 and before completing the five years tenure she had made a request for transfer on 30.7.2015. In the meanwhile as is

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pointed out in the additional reply statment the eligibility period required for seeking a transfer under Rule 38 has been reduced from 5 years to 2 years as per Annexure R4 revised norms.

3. This Tribunal is of the view that the OA can be disposed of by directing respondents Nos. 1 & 2 to register her request and consider her for transfer under Rule 38 in accordance with the norms currently in existence. We order so.

4. OA is disposed of as above. No order as to costs.

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

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

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**Original Application No.180/01089/2017**

**List of Annexures**

**Applicant's Annexures**

- Annexure A1-** True copy of Certificate No.VSSC/PGA/VKC/IISU/24825 dated 9.3.2017 issued by the Administrative Officer VSSC
- Annexure A2-** True copy of the Birth Certificate of applicant's son issued by the Trivandrum Corporation
- Annexure A3-** True copy of Medical Certificates of applicant's mother
- Annexure A4-** True copy of representation dated 14.12.2014 of the applicant to the 2<sup>nd</sup> respondent
- Annexure A5-** True copy of representation dated 30.7.2015 of the applicant to the 2<sup>nd</sup> respondent
- Annexure A6-** True copy of representation dated 21.7.2016 of the applicant to the 2<sup>nd</sup> respondent
- Annexure A7-** True copy of representation dated 16.3.2017 of the applicant to the 2<sup>nd</sup> respondent
- Annexure A8-** True copy of OM No.F.No.28034/9/2009-Estt(A) dated 30.9.2009 issued by the DoPT
- Annexure A9-** True copy of treatment records of the applicant
- Annexure A10-** True copy of the order dated 26.4.2017 in O.A No.180/00329/2017 of this Hon'ble Tribunal
- Annexure A11-** True copy of the order No.ST/36-TVLA/R-38/6/2015 dated 30.5.2017 issued by the 2<sup>nd</sup> respondent
- Annexure A12-** True copy of communication No.141-141/2013-SPB-II dated 31.1.2014 issued by the Postal Directorate.
- Annexure A13-** True copy of the Memo No.BB/Technical/CPC dated 29.6.2018 issued by the 1<sup>st</sup> respondent
- Annexure A14-** True copy of Medical certificate dated 13.7.2018 issued to the applicant
- Annexure A15-** True copy of relevant portion of the publication of result vide No.Rectt/4-3/2014 dated 20.10.2014

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**Annexure A16-** True copy of communication No.Rectt/4/3/2011-IV dated 13.1.2015 issued by the Asst.Director (Estt&Rect), Office of CPMG

**Respondents' Annexures**

**Annexure R-1-** True copy of BB/43/Rule-38/2015 dated 9.2.2015

**Annexure R-2-** True copy of BB/43/Rule-38/2015 dated 18.9.2015

**Annexure R-3-** True copy of ST/36-TVLA/R-38/6/15 dated 28.1.2015

**Annexure R-4-** True copy of Transfer policy guidelines issued by the Directorate F.No.141-141/2013-SPB-II dated 31.7.2018

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