

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00418/2017

Tuesday, this the 19th day of February, 2019

CORAM:

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

1. National Union of Postal Civil Wing Non Gazetted Employees, No. NUPCWE/GS/2017, Manacaud PO, Thiruvananthapuram-695009, Represented by its General Secretary K. Sivadasan.
2. K. Sivadasan, General Secretary, National Union of Postal Civil Wing Non Gazetted Employees, No. NUPCWE/GS/2017, Manacaud PO, Thiruvananthapuram-695009, working as Assistant, Postal Civil Division, No. 5, Ethiraj Salai, Chennai – 600 008. **Applicants**

(By Advocate : Mr. K.T. Shyam Kumar)

V e r s u s

1. Union of India, represented by its Secretary to Government, Department of Posts, Dak Bhavan, New Delhi – 110 001.
2. The Secretary, Department of Posts, Dak Bhavan, New Delhi – 110 001.
3. The Chief Engineer (Civil), Department of Posts, Dak Bhavan, New Delhi – 110 001.
4. The Superintending Engineer ©, Postal Civil Circle, IIInd Floor, Basavanagudi HPO Building, Bangalore – 560 004. **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

This application having been heard on 12.02.2019 the Tribunal on 19.02.2019 delivered the following:

O R D E R

Hon'ble Mr. Ashish Kalia, Judicial Member –

The relief claimed by the applicants are as under:

“(i) Direct the respondents to implement a uniform transfer and posting policy in the matter of transfer of employees in the Civil Wing of the Department of Posts as expeditiously as possible at any rate within a time limit to be prescribed by this Honourable Tribunal.

(ii) Declare that transfer of employees who do not exercise option to other stations without implementing a uniform transfer and posting policy gives unbridled power to the department to pick and choose persons of their choice and leads to nepotism and favouritism.

(iii) Direct the respondents to keep in abeyance the transfer of all employees who have not exercised option for transfer pursuant to Annexure A2 and A3 until a uniform transfer and posting policy for employees of the Civil Wing of the Department of Posts is adopted and implemented by the Department.

(iv) Set aside Annexure A6 and A8 orders to the extent it directs that employee in the Civil Wing of the Department of Posts who do not exercise option for transfer are liable to be transferred to any station.

(v) Direct the respondents to consider and pass orders on Annexure A7, A9 and A10 representation filed by the applicants as expeditiously as possible at any rate within a time limit to be prescribed by this Honourable Court.

(vi) Grant such other reliefs this Honourable Tribunal may deem fit in the facts and circumstances of the case.”

2. The brief facts of the case are that the 1st applicant is a recognized Trade Union of Civil Wing of the Postal Department and the 2nd applicant is the General Secretary of the Union. The civil wing of the Postal Department has not till date adopted or implemented a uniform transfer policy in the matter of transfer of its employees. Despite a decision was taken to transfer only employees who exercise their option, hasty steps are being taken to transfer employees who have not exercised any option. Applicants submit that transfer of employees by picking and choosing without implementing any uniform transfer and posting policy is per se illegal and arbitrary.

3. Notices were issued to the respondents. They entered appearance through Shri N. Anilkumar, SCGSC and contended that the transfer and posting policy for Works Clerk Grade-I, Works Clerk Grade-II and Assistants have been issued vide letter No. 2(41)/SEP/BG/2017, dated 5.6.2017 (Annexure R1). The prayer in the OA is to direct the respondents to implement a uniform transfer and posting policy in the matter of transfer of employees in the Civil Wing of the Department of Posts. In view of Annexure R1 the respondents have already finalized the transfer and posting of personnel and therefore, nothing remains in the OA. Respondents pray for dismissing the OA.

4. Heard Shri K.T. Shyam Kumar, learned counsel appearing for the applicants and learned SCGSC counsel appearing for the respondents. Perused the records.

5. At the outset we find that the respondents had issued transfer and posting policy for Works Clerk Grade-I, Works Clerk Grade-II and Assistants have been issued vide letter No. 2(41)/SEP/BG/2017, dated 5.6.2017, which is produced as Annexure R1. The respondents have also finalized the transfer and posting of personnel as per Annexure R1. Thus, the relief prayed for by the applicants in the OA has become infructuous. Accordingly, the OA is dismissed as infructuous. No order as to costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

“SA”

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

Original Application No. 180/00418/2017**APPLICANTS' ANNEXURES**

Annexure A1 - True copy of the letter dated 14.8.2015 issued by the Director (S.R. & Legal), Department of Posts, Ministry of Communications and IT.

Annexure A2 - True copy of the office order dated 2 February 2017 issued by the Section Officer (CWP), Department of Posts.

Annexure A3 - True copy of the order dated 6th of February, 2017 issued by the Section Officer (CWP).

Annexure A4 - True copy of the letter dated 3.3.2017 issued by the Asst. Engineer (P), Department of Posts, New Delhi.

Annexure A5 - True copy of the minutes of the meeting held on 28.3.2017 dtd. 12. 4. 2017.

Annexure A6 - True copy of the order dated 11.4.2017 issued by the Superintending Engineer, Postal Civil Circle, Bangalore.

Annexure A7 - True copy of the representation dated 17th April, 2017.

Annexure A8 - True copy of the order dated 20.4.2017 issued by the office of the Superintending Engineer, Postal Civil Circle, Calcutta.

Annexure A9 - True copy of the representation dated 26.4.2017 filed by the 1st applicant.

Annexure A10 - True copy of the representation dated 1st of May, 2017 filed by the applicants before the 2nd respondent.

RESPONDENTS' ANNEXURES

Annexure R1 - True copy of the transfer policy issued vide letter No. 2(41)/SEP/BGL/2017/510, dated 5.6.2017.