

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00903/2018

Wednesday, the 13th day of February, 2019

C O R A M :

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

Sreejesh.V.Soman,
Son of the late V.R.Soman, aged 39 years,
Postal Assistant, Head Post Office, Kottayam.
Residing at Valiyakalumkal House,
Mattakara, Kottayam - 686 564.

....Applicant

(By Advocate:Mrs.Rekha Vasudevan)

v e r s u s

1. Union of India,
represented by the Secretary to Government of India,
Ministry of Communications & IT,
Department of Posts, New Delhi – 110 001.
2. The Chief Post Master General, Department of Posts,
Kerala Circle,Thiruvananthapuram - 695033.
3. The Post Master General, Department of Posts,
Central Region, Kadavanthra, Cochin – 682020.
4. The Senior Superintendent of Post Offices,
Kottayam Division, Kottayam - 686 001.
5. Shri.Alexin George IPS,
Assistant Director General,
International Mails, Dak Bhavan,
New Delhi – 110001.

...Respondents

(By Advocate: Mr.Thomas Mathew Nellimoottil [R 1-4])

This application having been taken up on 5th February, 2019, this Tribunal delivered the following order on 13.02.2019.

.2.

ORDER

Hon'ble Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

O.A 180/903/2018 has been filed by Mr.Sreejesh.V.Soman, Postal Assistant, Head Post Office, Kottayam aggrieved by Annexures A-11 order dated 29.6.2018 transferring him from Kottayam HO to Puthupalli MDG and Annexure A-16 order dated 2.11.2018 rejecting his request for retention in the present station both issued by 4th respondent. The reliefs sought in the Original Application are as follows :

- “a. Quash Annexure A-16 order dated 2.11.2018 issued by the 4th respondent and Annexure A11 transfer order to the extent it transfers the applicant from her present station at Kottayam Head Post Office to Puthuppally Post Office.
- b. Declare that the applicant herein is entitled to be continued at her present station at Kottayam Head Post Office.
- c. Direct the 4th respondent to retain the applicant at Kottayam head Post Office.
- d. To grant such other reliefs as may be prayed for and the court may deem fit to grant, and
- e. Grant the cost of this Original Application. ”

2. In the O.A the applicant contended that Annexure A-11 transfer order has been issued in clear violation of the norms contained in Annexure A-2. He has not completed his tenure in his present station and his service rendered as Leave Reserve Postal Assistant (LRPA) cannot be counted towards the tenure in the post of Postal Assistant. It is pointed out that Annexure A-2 transfer norms mandated four years of tenure post for rotational transfer. Besides he specifically contended that the transfer has been made in the midst of the academic year.

.3.

3. Heard Smt.Rekha Vasudevan, learned Counsel for the applicant and Shri Thomas Mathew Nellimoottil, learned Counsel for Respondents-1to4. Perused the documents. This Tribunal heard this OA along with OA No.180/00909/2018 filed by one Shri Jayachandran Nair K.R., Postal Assistant challenging his transfer from Puthupally to Nattakom. In that OA this Tribunal arrived at the conclusion that the respondents have taken a contradictory stand to the guidelines (Annexure A2 in this OA) issued by the department itself and hence there is no justification in having transferred the applicant in that case, in violation of laid down norms. Apart from being a non-MACP grantee, he had not completed his tenure in the present station.

4. It is seen that the applicant in the present case is scheduled to be moved from Kottayam HO to Puthupally as PA,MDG, Puthupally, It is an accepted principle that while transfers are to be resorted to in any organisation minimum dislocation only should be caused to the employees. From this perspective, once the applicant in OA No.909/2018 , Shri Jayachandran Nair K.R., is retained at Puthupally , there is no reason to transfer the applicant here from his present position at Kottayam HO. OA is allowed for this reason. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A1 - True copy of the Letter No.4-09/2011-SPG(Pt) dated 10.1.2014 addressed by the 1st respondent to all Chief Postmasters General

Annexure A2 - True copy of the letter No.141-141/2013-SPB-II dated 31.01.2014 addressed by the 1st respondent to the Chief Postmasters General along with the Consolidated Transfer Policy

Annexure A3 - True copy of letter No.4-09/2011-SPG(Pt) dated 30.3.2015 issued by the 1st respondent

Annexure A4 - True copy of the Office Memorandum No.11013/10/2013-Estt.A dated 2.7.2015 issued by the Department of Personnel and Training

Annexure A5 - True copy of the Notification No.B1/RT/2018 dated 25.6.2018 issued by the 5th respondent

Annexure A6 - True copy of the vacancy position in the Kottayam Division for the Rotational Transfer 2018 issued in the official website of the Department

Annexure A7 - True copy of the List of official completing tenure as on 30.9.2018 as forwarded to the 4th respondent by the Senior Post Master, Kottayam

Annexure A8 - True copy of the application dated 3.8.2018 submitted by Sri.Vinayakumar.S to the office of the 4th respondent \

Annexure A9 - True copy of the Letter No.CPT/RTI/99-2018 dated 5.9.2018 issued to Sri.Vinayakumar from the office of the 4th respondent

Annexure A10 - True copy of the Minutes of the Meeting convened on 29.6.2018

Annexure A11 - True copy of the Memo No.B1/3/RT/2018 dated 29.6.2018 issued by the 4th respondent

Annexure A12 - True copy of the representation dated 4.7.2018 submitted by the applicant to the 4th respondent along with the English translation

Annexure A13 - True copy of the Notification F.No.141-141/2013-SPB-II dated 31.7.2018 issued by the 1st respondent

Annexure A14 - True copy of the order dated 4.10.2018 in O.A180/683/2018 of this Tribunal

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Annexure A15 - True copy of the Hearing Note submitted by the applicant to the 4th respondent

Annexure A16 - True copy of the Memo No.B/CAT/13/2018 dated 2.11.2018 issued by the 4th respondent

Annexure R1 - True copy of the Postal Directorate letter No.4-7/2009-Vig dated 8.3.2018

Annexure R2 - True copy of PMG Kochi letter No.ST/1-32/2012/Rigs dated 9.4.2015

Annexure R3 - True copy of order dated 2.2.2017 of Tribunal in O.A.No.624/2016

Annexure R4 - True copy of judgment dated 15.3.2017 of High Court of Kerala in OP(CAT) 48/2017

Annexure A 16 - True copy of the Judgment dated 11.12.2012 in OP(CAT) No.4278 of 2012 of the Hon'ble High Court

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