

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00187/2019

Thursday, this the 25th day of July, 2019

C O R A M :

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

T.D.Jose, S/o.Devassia,
Assistant Postmaster (Accounts),
Kattappana Head Office (Idukki Postal Division).
Residing at Thundathil House, Kattappana South P.O.,
Idukki District – 685 515.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

v e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Ministry of Communications & Information Technology,
(Department of Posts), Dak Bhavan, New Delhi – 110 001.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram – 695 033.
3. The Postmaster General,
Central Region (Kerala),
Kochi – 682 020.
4. The Superintendent of Post Offices,
Idukki Division, Department of Posts,
Thodupuzha – 685 584.
5. The Postmaster, Kattappana H.O.,
Kattapana, Idukki District – 685 508.

...Respondents

(By Advocate Mr.Anil Ravi, ACGSC)

This application having been heard on 25th July 2019, the Tribunal on the same day delivered the following :

ORDER (O R A L)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The applicant in the O.A has contested his transfer out of Idukki Division to Kottayam Division on various grounds. He submits in the O.A that the transfer from a Division to another for employees of his category is not permissible as the post which he holds is not liable for inter-divisional transfer. The second reason is that there is a post in Thodupuzha H.O which is a post in the cadre he belongs to but is currently held on officiating basis by a Postal Assistant/Accountant. The third reason he has cited is that he has a school going child who is in tenth standard. In Annexure A-9 order dated 25.2.2019 the applicant's retention in Kattapana H.O till the end of the academic year has been agreed upon. In so far as his transfer request is concerned in paragraph 12 of the reply statement it is stated that Note 1 to Annexure R-2 makes it clear that the eligibility service shall continue to be three years for persons holding the feeder posts of Lower Selection Grade in Post Offices on regular basis on the date of notification of these Rules. On completion of his minimum service, the applicant has not submitted his willingness to officiate in HSG II APM (Accounts) at Thodupuzha H.O so far. Now that he has completed his eligibility period he has submitted a request for a transfer to Thodupuzha H.O to which in additional reply statement it is stated that his request could not be considered as the matter is sub-judice before this Tribunal.

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2. After hearing both sides, we are of the view that the O.A can be disposed of at this point by directing the respondents to consider the representation the applicant has made for a transfer to Thodupuzha H.O on the ground that he has completed his eligibility period in HSG II. The aforesaid representation of the applicant shall be considered by the respondents and decision duly communicated to the applicant within a period of ten days from the date of receipt of a copy of this order. It is made clear that till a decision is taken on his representation he shall not be displaced from the present post.

3. The O.A is disposed of accordingly giving liberty to the applicant to approach this Tribunal again if any residual grievance subsist. No costs.

(Dated this the 25th day of July 2019)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00187/2019

- 1. Annexure A-1** – A copy of the Order bearing No.ST/42-2/2014 dated 6.12.2018, issued from the office of the 3rd respondent.
- 2. Annexure A-2** – A copy of the Order bearing No.ST/42-2/2014 dated 4.2.2016 issued from the office of the 3rd respondent.
- 3. Annexure A-3** – A copy of the communication bearing No.06-12/2010-SPB.II dated 7th March 2011, issued by the 1st respondent.
- 4. Annexure A-4** – A copy of the communication bearing No.B1-6/DLG/IX dated 6.9.2018 issued from the office of the 4th respondent.
- 5. Annexure A-5** – A copy of the letter dated 14.9.2018 addressed to the 4th respondent.
- 6. Annexure A-6** – A copy of the representation dated 28.12.2018 addressed to the 2nd respondent Chief Postmaster General.
- 7. Annexure A-7** – A copy of the transfer guidelines downloaded from the website bearing F.No.141-141/2013-SPB-II dated 31st July 2018.
- 8. Annexure A-8** – A copy of the order dated 2nd January 2019 in Original Application No.1059 of 2018 rendered by this Hon'ble Tribunal.
- 9. Annexure A-9** – A copy of the Order bearing No.ST/5-2/OA 1059/2018 dated 25.2.2019 issued from the office of the 2nd respondent.
- 10. Annexure A-10** – A copy of the order bearing No.ST/42-2/2018 dated 8.4.2019 issued from the office of the 2nd respondent Postmaster General, Central Region (Kerala) Kochi.
- 11. Annexure A-11** – A copy of the Memo bearing No.B1/HSG dated 25.1.2016 issued by the Superintendent of Post Offices, Manjeri Division.
- 12. Annexure A-12 series** – Copies of the extension orders bearing Memo No.B1/HSG dated 25.1.2017, 2.2.2017, 6.2.2018 and 19.12.2018 issued by the Superintendent of Post Offices, Manjeri Division.
- 13. Annexure R-1** – A copy of the order of promotion to the post of LSG cadre vide Memo No.ST/5-2/Accts/2014 dated 28.12.2015.
- 14. Annexure R-2** – A copy of the Ministry of Communications and Information Technology, Department of Posts, Post Offices (including Foreign Post Offices other than at Mumbai), Railway Mail Services Offices, Savings Bank Control Organization, Circle Office/Regional Offices, Returned Letter Offices, Foreign Posts at Mumbai and independent Postal Stores Depot, Higher Selection Grade II, Group B Posts Recruitment Rules, 2013.

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15. Annexure R-3 – A copy of the minutes of the Regional transfer and placement committee dated 29.11.2018.

16. Annexure R-4 – A copy of the Directorate letter No.18-140/KL/2018 Inv. dated 20.5.2019.
