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**(2024) 11 CAT CK 0018**

**Central Administrative Tribunal Ernakulam Bench, Ernakulam**

**Case No:** Original Application No. 180, 00903 Of 2016

Ramakrishnan.A.K.

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

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**Date of Decision:** Nov. 11, 2024

**Hon'ble Judges:** Sunil Thomas, Member (J); V. Rama Mathew, Member (A)

**Bench:** Division Bench

**Advocate:** R.Jagada Bai, S.R.K. Prathap

**Final Decision:** Dismissed

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### **Judgement**

V.Rama Mathew, Member A

1. The facts briefly stated are as under :

The applicant was appointed in the Department of Posts as Sorting Assistant in Railway Mail Service with effect from 24.01.1972. While functioning

as Lower Selection Grade Sorting Assistant in Kannur Railway Mail Service he was ordered to officiate as Sub Record Officer, Kannur which is a

Higher Selection Grade-I post. From 2010 no regular promotions were ordered in the cadre of Higher Selection Grade-II or Higher Selection Grade-I.

So as to fill up the substantive posts which remained vacant adhoc promotions were offered to the senior most officials according to their turn in the

cadre of Higher Selection Grade-II or Higher Selection Grade-I. The applicant was promoted to the cadre of Higher Selection Grade-II on adhoc

basis pursuant upon the orders of the Post Master General, Northern Region, Calicut issued under Order No.Staff/77-2/2004-2005 dated 22.02.2010

communicated vide Respondent No.4 Memo No.B1/15/HSG II dated 01.03.2010, which is produced as Annexure A-1. On being offered adhoc

promotion to the cadre of Higher Selection Grade-II he was posted as Head Sorting Assistant, Calicut RMS/2A. He assumed duty on 13.10.2010 at Calicut.

2. It is stated that the Railway Mail Service functions round the clock and hence he shifted his residence to Calicut and he shared the residence of

Shri.P.V.Balakrishnan, 'Krishna', Eranhipalam Housing Colony, Calicut " 673 006. The applicant being a senior most official was posted to officiate

as Sub Record Officer Higher Selection Grade-I Kannur vide Memo No.B1/16/HSG I dated 29.03.2010 for a period not exceeding 180 days. While

he was officiating as Sub Record Officer, Higher Selection Grade-I, Kannur he was promoted to the cadre of Higher Selection Grade-I on adhoc

basis and allotted to Northern Region vide CPMG Memo No.ST/18/I/Dlgs/09-10 dated 30.07.2010. He was transferred from the post of HSA Calicut

RMS/2A and posted as Sub Record Officer, Kannur vide Respondent No.3 Memo No.Staff/1-28/2009 dated 16.08.2010. He was relieved from the

post of HSA Calicut RMS/2A with effect from 31.08.2010 on regular basis and took charge of the office of the Sub Record Office, Kannur RMS on

01.09.2010.

3. Consequent upon the implementation of the recommendations of the 6th Pay Commission the Central Government employees were made eligible

for 'Composite Transfer Grant' equal to one month's pay besides eligible travelling allowance in case of transfer involving change of the station located

at a distance of 20 kms or more. The distance between Calicut and Kannur is 80 kms and hence he preferred a claim for Composite Transfer Grant

vide his claim dated 20.08.2011. He retired from service on superannuation with effect from 30.06.2012. The applicant submitted that as no

Composite Transfer Grant was paid to him till February, 2014 he preferred a representation dated 05.02.2014 to the 3rd respondent. However, a copy

of the representation has not been produced. The representation dated 05.02.2014 was rejected by the 3rd respondent vide Letter No.A&P/2-31/2007

dated 15.06.2015. It is pointed out that 4th respondent is the sanctioning authority for all kinds of travelling allowance bills and claims on transfer

including Composite Transfer Grant. It is submitted that the 4th respondent has not so far rejected the claim of the applicant and no such intimation

was served upon the applicant. The applicant had not preserved a copy of the TA bill.

4. Aggrieved by the action on the part of the 3rd respondent the applicant requisitioned a copy of his TA bill dated 20.08.2011 and the documents as to

the inquiry made by the department in respect of his residential qualifications at Kozhikode through a requisition under RTI Act. A copy of the

Superintendent RMS 'CT' Division Calicut Letter No.D4/RTI/SRM dated 10.08.2016 along with annexures has been produced as Annexure A-8

(series). The residential qualifications of the applicant was inquired into by the 4th respondent through the Inspector Posts and his claim for TA which

includes Composite Transfer Grant was recommended. It is therefore submitted by the applicant that the rejection of his claim by the 3rd respondent

through Annexure A-6 is arbitrary and not in conformity with the rules.

5. The eligibility for the Composite Transfer Grant requires the following pre-conditions to be met (the same are produced as Annexure A-9/7). It is

stated that the Composite Transfer Grant shall be equal to one month's pay as defined in para 3 of the O.M in case of transfer involving a change of

station located at a distance of or more than 20 kms from each other. In cases of transfer to stations which are at a distance of less than 20 kms from

the old station and of transfer within the same city, one third of the Composite Transfer Grant will be admissible provided a change of residence is

actually involved. The Composite Transfer Grant equal to a month's pay last drawn as defined in para 3 of the O.M, may be granted in the case of

those employees who, on retirement, settle down at places other than the last station(s) of their duty located at a distance of or more than 20 kms. The

transfer incidentals and road mileage for journeys between the residence and the railway station/bus stand etc., at the old and new station, presently

admissible are subsumed in the Composite Transfer Grant and will not be separately admissible. It is further clarified by Annexure R-4 that no

Composite Transfer Grant is to be allowed where no change of residence is involved. The cases already settled otherwise may be reviewed and

wherever Composite Transfer Grant has been wrongly allowed, the same may be recovered.

6. The question to be answered over here is very simply whether or not denial of the Composite Transfer Grant is in alignment with the rules cited above. The enquiries which have been conducted prior to the denial of the Composite Transfer Grant would determine whether it is an arbitrary action. The detailed enquiries have been conducted whether or not the applicant has actually changed/relocated his residence from his station. The enquiry at Annexure A-8/6 dated 09.12.2014 states that the place of residence is Calicut. It is noted that the detailed enquiry included statements recorded from his colleagues who worked with him in RMS Calicut as well as of Shri.P.V.Balakrishnan with whom he is claimed to have stayed. It is noted that both the statements indicate that for the period the applicant has claimed that he resided in Calicut, he was not ordinarily residing in that location he has indicated and that he commuted to his house from Kannur. Shri.P.V.Balakrishnan who reside at the address has stated that he stayed at his residence at the address indicated during 2011 and 2012 January. The duty particulars and the enquiry at Eranhipalam P.O also stated that no such person stayed at Krishna, Eranhipalam Housing Colony during the said period. The statement is recorded on 17.07.2012. The statement of his colleagues was recorded on 22.07.2013 and 19.02.2013 respectively for a posting which has happened on 25.03.2010. However, the consistency of all the statements recorded saying that he commuted from Kannur for the duration of his posting at Calicut is fairly indicative of the fact that he had not shifted his residence to Calicut for the duration. As also the statement of Shri.P.V.Balakrishnan at whose address he claimed to have resided indicates that the period of his stay in Kozhikode at the Eranhipalam address was different from the dates indicated, for which, he has made his Composite Transfer Grant.

7. Given the above, it appears that the applicant is not eligible for the Composite Transfer Grant as determined by the appropriate authorities. Hence, the O.A stands dismissed. No order as to costs.

(Dated this the 11th day of November, 2024)