

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00557/2015

HYDERABAD, this the 7th day of October, 2020.

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



N.Rajanna S/o N.Ashanna,

Aged about 44 years, working as GDS/Mail Deliverer/
Mail Carrier, PEMBI B.O., a/w Khanapur S.O-504 203,
Adilabad Division, Adilabad District.

...Applicant

(By Advocate : Sri B.Gurudas)

Vs.

1.The Union of India, rep by
The Director-General, Posts,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi.

2. The Chief Postmaster General,
A.P.Circle, Hyderabad-1.

3. The Postmaster General,
Hyderabad Region, Hyderabad.

4. The Superintendent of Post Offices,
Adilabad Division, Adilabad,
Adilabad District.

....Respondents

(By Advocate : Mr.P.Krishna, Addl.CGSC)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

The O.A is filed in regard to the transfer of the applicant.



2. The brief facts of the case are that the applicant was appointed as GDS/MC/DA in Pembi Branch Post Office in Adilabad Division. The duties of the applicant are that he has to carry bags consisting of letter and articles for delivery, covering a large area, involving 41 villages. It is claimed by the applicant that he has to travel nearly 151 kms on bicycle everyday to deliver the letters. Consequently, he has developed low backache, resulting in sciatic pain. In view of the health problem he was facing, applicant applied for one time transfer as GDS BPM, Pembi Branch Post Office. Without considering his case, respondents issued a notification to fill up the GDS BPM, Pembi post. Aggrieved over the same, the applicant filed the O.A.

3. The contentions of the applicant are that the transfer sought for is as per GDS Rules notified in letter dated 17.7.2006. The applicant has also submitted a medical certificate, certifying his medical condition.

4. Respondents in their reply statement confirm that the applicant has sought transfer under Rule 3 of GDS Rules to the vacant post of GDS BPM, MB PO on health grounds. The applicant is asking for transfer to a post in an office where he is presently working. Therefore, there is no change of location involved. Further, the



Medical Officer, who has given the certificate, has certified that the applicant is suffering from sciatic pain since two months only, without mentioning the cause of the disease. The doctor did not advise that the applicant should not undertake the activity of cycling. Therefore, condition prescribed under Rule 3 transfer as per para 2(iv) of the letter dated 17.7.2006 is not fulfilled. Accordingly, applicant was informed and his request for transfer was declined. After declining his request, notification was issued to fill up the post. However, as per the interim directions of the Tribunal, the post has not been filled up.

5. Heard Sri B. Gurudas, learned counsel for the applicant. There is no representation on behalf of the respondents. The matter pertains to the year 2015 and the subject matter being transfer of a Grameena Dak Sevak, we are inclined to dispose of the matter basing on the material available on record.

6. The applicant is working as GDS/MC/DA in Pembi B.O and sought transfer as GDS BPM, Pembi. It is true that the applicant has sought for transfer to a post in the same office. The reason for asking transfer is that the applicant is suffering from sciatic pain and, therefore, he is not able to undertake the activity of cycling for a distance of nearly 150 kms. to deliver letters. Respondents admitted that the applicant has submitted a medical certificate and sought transfer on medical grounds. However, they have raised twin objections namely, that the doctor has certified that the applicant has been suffering from sciatic pain only for the last two months and that the transfer is to a post in the same office. The GDS transfer rules do



not prohibit transfer to a post in the same office. Further, it is not important as to from when the applicant is suffering from sciatic pain but what is important is as to whether a qualified doctor has certified so and the genuineness of the certificate. Respondents have no reservations in respect of both the aspects referred to. Moreover, it is common knowledge that a person with sciatic pain finds it difficult to undertake cycling. The applicant has also asserted in the O.A. that he is covering a large distance on bicycle to deliver the letters which was not denied. Respondents are not experts to state that since the sciatic pain was diagnosed only 2 months before it would not mean that it will not impair the work efficiency/ health of the applicant. Once a qualified doctor certifies, it has to be taken on record and accordingly relief as permitted under rules has to be extended. Respondents stated that the transfer of the applicant is not covered by para 2 of the GDS Transfer Rules. The relevant rule is extracted hereunder for reference:

“(23) Limited Transfer Facility to Gramin Dak Sevaks:

2. In terms of amendment to Rule 3 of GDS (Conduct and Employment) Rules, 2001, “a GDS is not eligible for transfer in any case from one post/unit to another post/ unit except in public interest.” What constitutes a “Public interest” has been interpreted differently by different circles. In order to have a uniform criteria, it has been decided to allow limited transfer liability to GDS from a post/ unit to another under the existing provision of amended Rule 3 of GDS (Conduct and Employment) Rules, 2001 on the following grounds:

I. A GDS who is posted at a distant place on redeployment in the event of abolition of the post

II. GDS appointed on compassionate grounds and posted at distant place.

III. Woman GDS on her marriage/remarriage.

IV. Where the GDS himself/ herself suffers from extreme hardship due to a disease and for medical attention/ treatment,

such transfer may be allowed on production of valid medical certificate from the medical officer of a Government hospital.

V. Where the GDS is looking after the welfare of a physically handicapped/ mentally handicapped person/ dependent and he/ she requires to move to different places to give support to such physically/ mentally challenged person/ dependent.”



7. As can be seen from the above Rule, para 2 (IV) thereof states that an employee can be transferred when suffering from extreme hardship due to a disease and for medical attention. The doctor has certified that the applicant is suffering from sciatic pain. Sciatic pain is related to the legs and the legs are used for cycling. The job of the applicant is to go on bicycle and deliver letters. Therefore, it would obviously cause extreme hardship to the applicant. This requires no further elaboration as the certificate and rule when read together, applicant has to be given the relief sought by him. Hence, as per rules, applicant is eligible for the transfer sought.

In view of the above, respondents are directed to grant the transfer applied for by the applicant, within a period of 8 weeks from the date of receipt of a copy of the order.

With the above direction, the O.A. is allowed. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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