

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00449/2019

Wednesday, this the 31st day of March, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

1. Sajith Kumar A.P
Aged 29 years, S/o.Narayana Thangal
Working as GDS MD II, Koottupuzha BO
Kiliyanthara via, Thalassery-670 706

Residing at Ayithara Puthiyedath Illam
Ayithara Mambaram P.O, Kuthuparamba (via)
Kannur District – 670 643
Ph:9496561870
2. Shini.K
aged 37 years, D/o.Raveendran K
Working as Gramin Dak Sevak Mail Deliverer
Muzhuppilangad Post Office
Kannur District – 670 662

Residing at Mappilar Kandy Meethal (H)
Kariyad Theru, Kariyad South P.O
kannur District – 673 316
Ph: 9745129496
3. Hima K.T, aged 29 years
W/o.Santhosh K
Working as GDSMP, Kannur Civil Station
Kannur – 670 002
Residing at Padikalakkandy House
Ponniam East P.O, Ponniam,
Kannur District – 670 641
4. Indira .N
Aged 40 years, W/o.Krishnan
Working as GDSMD Kadannamanna , Mankada
Manjeri Division, Malappuram Dist – 695 033

Residing at Njarakkattil House, Mankada P.O
Malappuram Dist – 639 724

5. Raveendra P, Aged 30 years
S/o.Koragappa Moolya
Working as ABPM (GDSMD)
Kannur Branch Office
Kannur Dist. 671321

Residing at Palthimar House
Yethadka P.O, Perdala (via)
Kasargod Dist. - 671 551
Pin – 9495110836

6. Damodara B
aged 42 years, S.O Babu Moolya
Working as Dak Agent (GDSMD), Perla SO
Kasargod Dist – 671 552

Residing at Bajakudlu, Perla Post
Kasargod Dist – 671 552
Ph.9400112744

- Applicants

(By Advocate: Mr.Millu Dandapani)

Versus

1. Government of India
Ministry of Communication
Department of Post, GDS Section
Represented by Assistant Director General
New Delhi – 110 001
2. Chief Post Master General
Kerala Circle
Thiruvananthapuram – 695 033
3. Post Master General
Northern Region, Kannur Road
Nadakkavu, Kozhikode, Kerala – 673 006
4. Superintendant of Post Office
Kasargod Division, Kasargod 671 121
5. Superintendant of Post Office
Kannur Division, Kannur – 670 001
6. Superintendant of Post Office
Thalassery Postal Division, Temple Gate
Thalasserry, Kannur , Kerala – 670 102

7. Superintendent of Post Office
Manjeri Division, Manjeri
Malappuram Dist. 676 121

- Respondents

(By Advocate: Mr.N.Anil Ravi,ACGSC)

The O.A having been heard on 31st March, 2021, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“i. Call for the records leading to Annexure A16 and set aside the caluse in (2) – (viii) disallowing the benefit of applying transfer from one category to another

ii. Direct the 2nd respondent to consider the application of all the applicants submitted prior to 4.1.2019 dated 26.8.2017, 27.5.2018,, 19.2.2018, 16.4.2018, 4.1.2018, 30.8.2018 respectively untrammied by the office memorandum dtd.4.1.2019 (A16) pending disposal of the above O.A.

iii. To declare that Annexure A16 O.M has no application as far as the applicants are concerned since they had all applied prior to 4.1.2019.

iv. To grant such other appropriate order or direction as the Tribunal deems fit and proper in the facts and circumstance of the case. And

v. Award costs.”

2. The brief facts of the case are as follows:

The applicants submit that they are aggrieved by non-consideration of their applications and being introducing a cutoff date 4.1.2019 for considering the applications for transfer with stringent grounds compelling the applicants to approach this Tribunal. The applicants are presently working in Indian Postal Department as GDSMD and GDSMP. All the applicants are having the required

qualification SSLC. Since all are mail deliverers and packer, they have to deliver the postal articles by walking in hilly areas and due to the strenuous and hazardous nature of work, all the applicants are suffering orthopedic problems. As per the advice of the doctors which are also borne out by their certificates they all sought for transfer from the post where they were working to different places as and when vacancy had arisen. When clear vacancies had arisen, all the applicants had submitted their applications well in advance to the respective superintendents. Without filling up the vacancies the department chose to carry out the duties attached to the Postmaster by appointing temporary hands on daily wages.

3. When the matter came up for consideration today, counsel for the respondents submits that if the applicants have filed representations, the competent authority will consider the representations in the light of relevant rules and regulations on the subject. Counsel for the applicant also submits that the applicants are ready to give comprehensive representations and the applicants will be satisfied if the same is considered in the light of relevant rules and regulations on the subject.

4. **In view of the limited submission made by both sides, the applicants are directed to file fresh representations, if they have not done so far. Applicants who are desirous of filing comprehensive representation will give representation to the competent authority. On receipt of the same, the competent authority will consider and pass orders within a period of two months from the date of receipt of a copy of this order.**

5. The Original Application is disposed of as above. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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List of Annexures

Annexure A1 - True copy of the application for transfer submitted by the 1st applicant on 26.8.2017 to Mallannur BO

Annexure A2 - True copy of the representation submitted by the 1st applicant before the Chief Postmaster General dtd. 26.8.2017

Annexure A3 - True copy of the certificate issued by Dr.Rajeev Raghavan, Medical Consultant, General Hospital, Thalasserry dtd. 11.8.2012

Annexure A4 - True copy of the representation submitted along with the application dtd. 7.12.2015.

Annexure A5 - True copy of the communication bearing No.15140972X/Pers/02 dtd. 9.3.2019

Annexure A6 - True copy of the medical certificate issued to the 2nd applicant dtd. 24.7.2018

Annexure A7 - True copy of the representation submitted by the 3rd applicant along with the application before the 2nd respondent dated 19.2.2018 along with English translation

Annexure A8 - True copy of the representation submitted along with the application by the 4th applicant before the 2nd respondent dtd. 16.5.2018

Annexure A9 - True copy of the Doctor's certificate issued by Dr.Mohamed Nishad.M dtd. 16.5.2018 produced along with application

Annexure A-10 True copy of the check list accompanying application submitted by the 5th applicant dtd.4.1.2018

Annexure A11 True copy of the representation submitted by the 5th applicant before the 2nd respondent dated 4.1.2018

Annexure A12 True copy of the Doctor's certificate dated 3.9.2018

Annexure A13 True copy of the check list accompanying with application submitted by the 6th applicant dated 30.8.2018

Annexure A14 True copy of the representation dtd. 30.8.2018 submitted along with Annexure A13

- Annexure A15 - True copy of the medical certificate duly issued by the treating doctor on 9.11.2017
- Annexure A16 - True copy of the O.M bearing no.17/31/2016-GDS dated 4.1.2019
- Annexure A17 - True copy of the norm bearing No.19-10/2004-GDS (Part) dtd.10.4.2012.
- Annexure R1 - True copy of DG letter No.17-31/2016-GDS dated 4.1.2019
- Annexure R2 - True copy of letter No.ST/120/KLM-51/2017 dated 25.1.2018
- Annexure R3 - True copy of letter St/120/KNR-15/2017 dated 25.1.18
- Annexure R4 - True copy letter No.Staff/23/III/2017 dated 10.7.2018
- Annexure R5 - True copy OM No.17-31/2016-GDS dated 25.6.2018

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