



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O. A. No.350/ 1416 of 2020

Abdul Gofur Laskar, son of Abdul Hannan
Laskar, aged about 24 years, GDS MD,
Thakurchak B.O. under Order of Transfer
as GDS MP, Bouchibati B.O. in Joynagar
Majilpur Sub-Division, residing at Village
& P.O. Thakur Chak, P.S. Bakultala,
District South 24-Parganas, Pin-743338.

... Applicant

Versus

1. Union of India through the
Secretary to the Govt. of India, Ministry
of Communication, Department of Posts,
Dak Bhawan, New Delhi- 110001.

2. The Chief Postmaster General,
West Bengal Circle, Yogayog Bhawan,
Kolkata- 700012.

*2A. Postmaster General, South Bengal Region, Kolkata
Yogayog Bhawan, Kolkata-700012*

3. The Superintendent of Post Offices,
South Presidency Division, Baruipur,
Kolkata- 700 144.

4. The Sub-Divisional Inspector,
Joynagar Majilpur Sub-Division, Pin-
743337.

... Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O.A.350/1416/2020

Date of order : 08.01.2021

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

ABDUL GOFUR LASKAR
VS.
UNION OF INDIA & OTHERS
(D/O INDIA POST)



For the applicant : Mr.S.K. Dutta, counsel

For the Respondents : Ms. D. Nag, counsel

ORDER

Bidisha Banerjee, Judicial Member

This O.A. has been preferred for the following reliefs:-

- "a) An order quashing and/or setting aside the impugned transfer of the applicant vide order dated 30.09.2020 at Annexure A-7;*
- b) An order quashing and/or setting aside the show cause notice dated 09.10.2020 at Annexure A-9;*
- c) An order directing the respondents to permit the applicant to resume his duties as GDS MD Thakurchak BO and further directing them to grant back wages to the applicant;*
- d) An order directing the respondents to produce/cause production of all relevant records;*
- e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."*

2. The brief facts are noted as follows:-

The applicant is holding the post of Gramin Dak Sevak under Joynagar Majilpur Sub-Division of South Presidency Division of the Postal Department. He was appointed as GDS MD Thakurchak BO on being selected for the said post and after fulfilling all the pre-conditions for such appointment including acquiring accommodation within the delivery jurisdiction of the Thakurchak B.O., as required under the Rules. While discharging the duties as GDS MD Thakurchak BO he was transferred by order dated 30.09.2020 to Boinchbati BO as GDS MD which according to the applicant was done arbitrarily and illegally. He has not been paid his salary since October, 2020. His incessant representations to the authority concerned for redressal of his grievances have failed and hence this application.

3. At hearing, Id. counsel for the applicant would place the following:-

(i) Purported rearrangement of existing and new GDS staffs under Joynagar Majilpur Sub Division vide order dated 30.09.2020 which is a transfer in the garb of rearrangement;

(ii) In terms of notification for the post of Gramin Dak Sevaks in the West Bengal Circle being Rectt./R-100/ONLINE/GDS/VOL-VI dated 05.04.2018, the candidate selected for the post of GDS BPM must mandatorily take up his/her residence in the Branch Post Office village within one month after selection but before engagement as Gramin Dak Sevak Branch Postmaster. The candidate shall submit a declaration to this effect in the application. The candidate selected for the post of other than GDS BPM should reside in post village/delivery jurisdiction. The applicant has already acquired a residence as such. Therefore, his transfer to a different post office is bad;

In terms of the said notification, the candidate selected for the engagement of BPM shall have to provide centrally located



accommodation in the Branch Post Office village within 30 days for use as Post Office premises and the expenditure of the hiring if any needs to be borne by the candidates;

(iii) His order of provisional engagement vide Memo dated 16.07.2020 at Jaynagar, Majilpur in response to the notification No. Rectt./R-100/ONLINE/GDS/VOL-VI dated 05.04.2018 does not append any clause or stipulation about his transfer liability to another post office. The relevant extract is as under:-

"(1) MD ABDUL GOFUR LASKAR

Son of ABDUL HANNAN LASKAR should clearly understand that

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his conduct and Engagement shall be governed by the department of Posts, Gramin Dak Sevak (Conduct and Engagement) Rules, 2020 as amended from time to time.

3. This **provisional engagement** is subject to satisfactory verification of the prescribed educational qualification, community certificate and other certificates, wherever prescribed and submitted by him. The candidate will have to undergo satisfactory prescribed Induction Training course and Practical Training as and when issued.

4. The engagement is provisional and subject to certificates being verified through proper channels. If the verification reveals that the claim of the candidate belonging to Scheduled Caste/Scheduled Tribe/other backward classes(not belong to creamy layer)/ is false or educational certificates are not genuine or found unfit on Police verification, his/her Engagement shall be terminated forthwith without assigning any further reasons and without prejudice to other criminal/legal action as may be taken under the provisions of Indian Penal Code for production of false certificate as a consequence.

5. The engagement of (Economically Weaker Sections) EWS candidates is provisional and is subject to the Income and Asset certificate being verified through proper channels and if the verification reveals that the claim belong to EWS is fake/false the Engagements will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian penal code for production of fake/false certificate.

6. If any information or documents submitted by the candidates is found false/incorrect at a later stage, his/her engagement shall be terminated in accordance with Rule 8 of GDS(Conduct & Engagement)Rules, 2020.

7. The candidate should also note that his/her selection is subject to the outcome of WPCT No.6356(W)/2018 pending at Hon'ble High Court, Calcutta."

(iv) In terms of Department of Posts' Office Memorandum dated 22.01.2020 on "Limited Transfer Facility for all categories of Gramin Dak Sevaks(GDS)", the Competent Authority is as under:-



"The transfer of GDS will be approved by Regional PMG, if the transfer is within the Region and by the Head of the Circle, if the transfer is within the Circle. The approval of two concerned Head of Circle will be required, if the transfer is between two Circles"

Sub Divisional Inspector is not authorised to issue transfer orders of GDS.

- (v) Further that, transfer shall be only on GDS's request;
- (vi) The Memo dated at J. Majilpur the 09.10.2020 on "Explanation for non compliance of higher authority order and hampering of mail related work" is bad;
- (vii) His repeated representations have been ignored.

4. At hearing, Id. counsel for the applicant would pray for disposal of his grievances vide his representation by the Post Master General who is not impleaded.

5. Id. counsel for the respondents raised no objection if the applicant is allowed to represent to the P.M.G. through proper channel.

6. Accordingly the O.A. is disposed of with consent of the parties with liberty to the applicant to prefer a comprehensive representation to Post Master General within 4 weeks, which if preferred shall be considered with due application of mind on the grievance as noted in Para 3 above and disposed of in two months of receipt. Till such time, no coercive action shall be taken against the applicant.



(Dr. Nandita Chatterjee)
Administrative Member

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(Bidisha Banerjee)
Judicial Member