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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00215 of 2015
Cuttack, this the 27th day of April, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

Tilotama Patra,
aged about 26 years,
D/o late Bhagirathi Patra,
At-Khuntpal, Po-Sanbisele,
Via-Katipada, Dist-Mayurbhanja,
At present working as GDS BPM Khaladi B.O. in account with
Udala S.O. under Baripada H.O.

...Applicant
(Advocates: M/s. D.P. Dhalsamant, N.M. Rout)

VERSUS

Union of India Represented through

1. Director General Posts, Govt. of India,
Ministry of Communication,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar,
Dist-Khurda-751001.
3. Superintendent of Post Offices,
Mayurbhanja Division,
At/PO-Baripada,
Dist-Mayurbhanja,
Pin-757001

... Respondents
(Advocate: Mr. C.M. Singh)

ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Applicant is presently working as GDS BPM Khaladi B.O. in account with Udala S.O. under Baripada H.O. being appointed to that post on compassionate grounds. She having learnt that a post of GDSBPM,



Bhimtali B.C. which is only 1 k.m. away from her village was lying vacant made a representation dated 24.05.2013 to Superintendent of Post Offices, Mayurbhanj Division (Respondent No.3) for consideration of her transfer to Bhimtali B.O. followed by another representation dated 26.03.2014 to the CPMG, Respondent No.2. Since the Department of Posts had already brought out a notification dated 18.04.2013 inviting applications for filling up of the post of GDSBPM, Bhimtali B.O. and no action having been taken on her representations as aforesaid, applicant had moved this Tribunal in O.A. No.260/00517/14 with a prayer for direction to Respondents to post her at Bhimtali B.O. on transfer from Khaladi B.O. This Tribunal vide order dated 04.07.2014 disposed of the said O.A. in the following terms:-

“...However, since the representations of the applicant are still pending with the authorities, at this stage, without going into the merit of the case, I direct Respondent No.2, i.e., Chief Post Master General, Orissa Circle, Bhubaneswar to consider the pending representation of the applicant for transfer if received at his level and communicate the decision thereon to the applicant with a reasoned and speaking order within a period of sixty days from the date of receipt of this order.

It is also directed that till the representation as directed above is considered and a decision is communicated by the authorities, no further action in pursuance of the notification dated 18.04.2013 shall be taken by the concerned authorities.”

2. In compliance of the above order, Respondent No.2 vide order dated 08.09.2014 (Annexure-A/6) disposed of the representation of the dated 26.03.2014, the relevant portion of which reads as under:-

“The application of the applicant dated 26.03.14 addressed to the CPMG Odisha Circle has been taken into consideration while deciding the case.

In the aforesaid application dated 26.03.14 which is attached to the O.A. the applicant Kumari Tilottama Patra, GDS BPM Khaladi BO in account with Udal SO has requested for her transfer to the post of GDS BPM Bhimatali B.O. in



account with Udal S.O. within the same Division. In her application, the applicant Ms. Patra has mentioned that Khaladi BO is a Maoist affected area & is 10 Kms away from her native village Khuntapal, PO-Sanbisole, Kaptipada. She has to cover a distance of 16 Kms daily to perform the delivery duty in six villages besides performing the work of GDS BPM. She further represents that during past one year, two murder cases had happened in the area for which she and her family members are now in frightened condition. Her further submission is that the proposed BO Bhimtali is situated at a distance of only one Km from her native village which would help her to do her duty in a better way.

It is seen from the report of the SPOs Mayurbhanj Division, that the applicant Kumari Tilottama Patra was initially appointed as GDS BPM Khaladi BO on compassionate ground on 10.04.12. The distance from her native village Khuntapal to the place of work i.e., Khaladi BO is about 10 Kms and Bhimatali BO will be nearer to her native place. The SPOs has recommended her case for transfer to the Bhimatali BO.

As provided in para 3 (Vii) of the Directorate letter No.19-10/2004-GDS dated 17.07.2006, a GDS official seeking transfer under Limited Transfer Facility Scheme has to complete three years of service in the GDS post before being considered for transfer to any other GDS post of his choice. It is seen that the applicant was appointed on 10.04.12 and she is eligible for transfer after completion of 3 years of service i.e., after 10.04.2015.

Such being the case, when the eligibility condition is not fulfilled as per the Directorate's guide lines mentioned above, I hesitate to consider her transfer to the post of GDS BPM Bhimtali BO at this stage.

The representation dated 26.03.2014 of Kumari Tilottama Patra is therefore rejected."

3. Aggrieved with the above direction of the Respondent No.2, applicant has again moved this Tribunal in the instant O.A. seeking the following relief:-

"i) The notification dated 18.04.2013 (under Annexure-A/2) be quashed.

ii) Respondents be directed to transfer the applicant from Khaladi B.O. to Bhimtali B.O. as GDS BPM in view of the instruction dated 17.07.2006 and to pass any other orders as deemed fit and proper."



4. Heard Mr. D.P. Dhalsamant, Ld. Counsel for the Applicant, and Mr. C.M. Singh, Ld. ACGSC appearing for the Respondents on the question of admission. Since the facts appear to be simple and undisputed, I propose to dispose of this matter at the stage of admission itself.

5. On a close and careful scrutiny of the order dated 08.09.2014, it is made clear that as per Para-3(vii) of the Directorate letter No.19-10/2004-GDS dated 17.07.2006, applicant being a GDS employee is required to complete three years of service in the GDS post before being considered for transfer to any other GDS post of her choice. Evidently, Respondent No.2 while considering the representation has put in black and white that applicant having been appointed on 10.04.2012 is eligible for transfer after completion of three years of service, i.e., after 10.04.2015. Thus, in keeping with the consideration made by Respondent No.2 as aforesaid, the requirement of three years' service as GDS by the applicant as on date, in my considered view, stands fulfilled already and therefore, in the face of recommendations made by the SPOs for consideration of applicant's transfer to Bhimatali B.O., the C.P.M.G. (Respondent No.2) should not be hesitant to take recourse to his words and commitments as given by him in order dated 08.09.2014 that applicant's case would be considered after she being eligible on completion of three years, i.e., after 10.04.2015.

6. Having regard to the above discussions, I direct the Chief Post Master General (Respondent No.2) to reconsider the case of the applicant for her transfer from Khaladi B.O. to Bhimtali B.O. in conformity with

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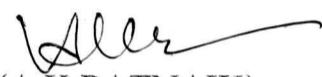
the order dated 08.09.2014 and pass an appropriate order within a period of thirty days from the date of receipt of this order.

7. Ordered accordingly.

8. In the result, the O.A. is allowed to the extent indicated above.

No costs.

9. On the prayer made by Mr. Dhalsamant, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which Mr. Dhalasamant undertakes to file the postal requisites by 01.05.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

K.B.