

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.427/08

Wednesday this the 27th day of May 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

Aneeshkumar N.,
S/o.Balan,
Working as Gramin Dak Sevak Mail Carrier,
Nutstreet, Vadakara.
Residing at Nagath House,
Eravattoor P.O., Perambra,
Kozhikode – 673 525.

...Applicant

(By Advocate Mr.P.C.Sebastian)

Versus

1. The Post Master General,
Northern Region, Kozhikode – 673 011.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram – 695 033.
3. The Superintendent of Post Offices,
Vadakara Division, Vadakara – 673 101.
4. Union of India represented by the Secretary
to Government of India, Ministry of Communications,
Department of Posts, New Delhi.

...Respondents

(By Advocate Mr.M.M.Saidu Muhammed,ACGSC)

**This application having been heard on 27th May 2009 the Tribunal on
the same day delivered the following :-**

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

**The grievance of the applicant in this case is that his Annexure A-2
request for transfer on medical grounds addressed to the competent
authority, namely, the Chief Post Master General, Kerala Circle,
Thiruvananthapuram, has not been forwarded for his consideration but it**



2.

was rejected at the level of Post Master General, Northern Region, Kozhikode, in terms of Annexure R-3 letter dated 8.11.2006 stating that the office of the Chief Post Master General has been receiving quite a number of transfer applications from the Gramin Dak Sevaks which are not fulfilling the conditions stipulated for allowing such transfers in terms of DG's letter dated 17.7.2006 which results in avoidable file work in the office and, therefore, the Post Master Generals of Northern Region and Central Region should forward only such of the GDS transfer requests which fulfill the conditions of the aforesaid DG's letter dated 17.7.2006.

2. We have heard both the parties. Undisputedly, the Chief Post Master General, Kerala Circle, Thiruvananthapuram is the competent authority to consider the applications for transfers of GDSs and whether any application is deserving or not is to be decided by the said authority and no one else. The filtering of the applications at a lower level will result in arbitrariness favouring some persons and disallowing the genuine request of others. Moreover, the DG's letter dated 17.7.2006 regarding transfer is only a guideline and there may be deserving cases which needs the consideration of the competent authority in view of the special circumstances of the case. Moreover, the right of consideration is nothing but the right of consideration by the competent authority and none else.

3. In view of the above position, we direct the Superintendent of Post Offices, Vadakara Division, Vadakara (R3) and the Post Master General, Northern Region, Kozhikode (R1) to forward the application of the applicant for transfer to the Chief Post Master General, Kerala Circle, Thiruvananthapuram (R2) within a period of 15 days from the date of



3.

receipt of a copy of this order. The Chief Post Master General, Thiruvananthapuram shall take a decision on the said application within a period of 15 days thereafter. The applicant shall also be informed about the decision.

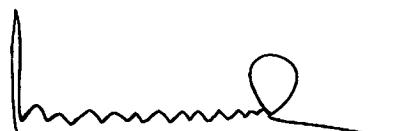
4. It is made clear that appointment, if any, made pursuant to the Annexure A-4 notification dated 14.7.2008 shall be subject to the outcome of the decision of the competent authority on the applicant's representation.

5. With the aforesaid directions, this OA is disposed of. There shall be no order as to costs.

(Dated this the 27th day of May 2009)


K.NOORJEHAN
ADMINISTRATIVE MEMBER

asp


GEORGE PARACKEN
JUDICIAL MEMBER