

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.505/05

Monday this the 19th day of February 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

J.Rajalekshmi,
W/o.Sureshkumar,
Gramin Dak Sevak Mail Deliverer,
Irumpanganad Branch, Kollam North Sub Division.
Residing at Kizhakkepankuvila, Nedumgolam PO,
Paravur, Kollam.

...Applicant

(By Advocate Mr.Shafik M.A.)

Versus

1. Union of India represented by Secretary,
Department of Posts/Director General,
Ministry of Communications, New Delhi.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum.
3. The Senior Superintendent of Post Offices,
Kollam Division, Kollam.
4. The Inspector of Posts,
Kollam North Sub Division,
Kundara, Kollam – 691 501.Respondents

(By Advocate Mr.Sunil Jose,ACGSC)

This application having been heard on 19th February 2007 the
Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is at present working as GDS MD, Irumpanganad Post
Office. After her marriage in the year 2004 and as she was suffering from
acute diabetes, the applicant approached the authorities for a transfer to a
place nearer to her home and when the post of GDS MD, Kuzhimathikadu
fell vacant she submitted a representation (Annexure A-5). As per

.2.

Annexure A-3 the respondents rejected the representation on the ground that there is no provision for transfer of Gramin Dak Sevaks as per the existing provisions of amended rules.

2. Respondents have filed a reply statement in which they have admitted that the post of GDS MD, Kuzhimathikadu fell vacant with effect from 29.3.2004 due to the promotion of the incumbent and that the applicant then applied for a transfer to this vacant post. As per the extant Amendment to Note II (IV) below Rule 3 of GDS (Conduct and Employment) Rules 2001, the GDS are not eligible for transfer and that a vacant post can be filled up only after getting the sanction from the office of 2nd respondent. Sanction of the 2nd respondent is not yet received in the case of GDS MD, Kuzhimathikadu. As per the order in M.A.656/05 filed by the applicant the said vacancy was directed not to be filled up and this interim direction is still continuing.

3. Thereafter during the pendency of the application the applicant has filed another M.A.57/07 praying that the post of GDSV, Paravur has fallen vacant which is nearer to the applicant's residence. The respondents have filed an objection stating that the said post has not been earmarked for direct recruitment and it is kept vacant for finally abolishing the post. Therefore the transfer request of the applicant cannot be considered. However, they have submitted that Annexure A-1 guidelines for transfer of GDS have been modified vide Directorate Memo dated 17.7.2006 and limited transfer facility is now being allowed to GDS agents on certain conditions (Annexure R-2). Hence the applicant can request transfer on these conditions and they have no hesitation to consider the applicant's transfer if she makes a proper application.

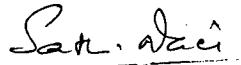
.3.

4. It is seen that the applicant has already made a representation at Annexure A-6 dated 4.5.2005 which is still pending disposal before the respondents. In the light of the revised guidelines and in the light of the submissions made by the respondents they can now consider the applicant's transfer.

5. Therefore, we are of the view that the O.A can be disposed of by a direction to the 3rd respondent to consider the Annexure A-6 representation of the applicant for a transfer in accordance with the revised guidelines mentioned at Annexure R-2. This exercise shall be done as expeditiously as possible. No order as to costs.

(Dated the 19th day of February 2007)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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