

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 529 of 2010

Wednesday, this the 09th day of March, 2011.

CORAM:

**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Manju Issac,
W/o. Baiju M. Babu,
GDS Sub Postmaster,
A.V.S.R.S. P.O.,
Kunnicode P.O.,
Residing at 134, Kila Bazar,
Shencottai, Tamilnadu : 622 809

... Applicant.

(By Advocate Mr. P.C. Sebastian)

v e r s u s

1. The Director General,
Department of Posts,
Dak Bhavan, New Delhi.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. The Chief Postmaster General,
Tamil Nadu Circle, Chennai.
4. The Union of India,
Represented by Secretary to
Government of India,
Ministry of Communications,
Department of Posts, New Delhi. ... Respondents.

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 17.02.2011, the Tribunal on 09.03.11... delivered the following:

ORDER

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

This O.A has been filed by the applicant for the following reliefs :



- (i) To declare that Annexure A-5 order in so far as it stipulates that request transfer of GDS is confined to transfer within the same circle is unjust, illegal and unsustainable in law;
- (ii) To direct the respondents to consider the request of the applicant for transfer to the existing vacancy of GDS BPM Melagaram Post Office in Tamil Nadu Circle sympathetically in the light of her family circumstances and issue appropriate orders within a time frame as deemed fit and proper to this Hon'ble Tribunal;
- (iii) To grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case.

2. The applicant is holding the post of GDS Sub Postmaster, Avneeswaram Railway Station P.O. in Pathanamthitta Division. She was posted to Avneeswaram on her request as she wanted to shift her residence nearer to her husband's residence at Shencottai, Tamilnadu. Now she has shifted her permanent residence to Shencottai, Tamilnadu. On account of her family problems, she made a representation dated 26.06.2008 to the first respondent for a transfer to Melagaram, Shencottai. As there was no positive response in this regard, the applicant has filed this O.A.

3. The applicant submits that her request for a transfer to Melagaram Post Office has not been considered by the respondents solely on the ground that inter circle transfer is not allowed as per Annexure A-5 order dated 17.07.2006 on limited transfer facility to Gramin Dak Sevaks (GDSs). The said restriction is highly arbitrary and unreasonable. But for the above restriction, the applicant satisfies the conditions stipulated in Annexure A-5 for consideration for transfer to the post of GDS BPM, Melagaram Post Office, Shencottai Division in Tamil Nadu Circle.



4. The respondents contested the O.A on the following grounds. Annexure A-5 orders were issued as a one time transfer facility from one post to another post/unit within the circle in public interest on five grounds which seek to redress the personal circumstances of GDSs. The limited transfer facility to GDS from one post/unit to another is only for one transfer during the entire career within the same circle. As a matter of policy decided by the Government of India, inter circle transfers are at present not permitted among the GDSs. The applicant has already availed two transfers, one from Adimaly P.O. to Kallarkutty P.O. in Idukki Division in November, 2005 and the 2nd transfer from Kallarkutty P.O. to Avaneshwaram Railway Station P.O. in Pathanamthitta Division in May, 2008 on the ground of marriage. The 1st transfer became necessary due to abolition of post. The 2nd transfer was as per provisions of Annexure A-5 order. She cannot claim transfer yet again just because she has shifted her permanent residence to Shencottai in Tamil Nadu. There is nothing arbitrary or illegal in limiting the transfer facility of GDS to the jurisdiction of the Postal Circle in which the GDSs are employed because normally persons living within the jurisdiction of Post Office were preferred for employment as GDS as they were required to have a close rapport with the public in their locality. It is settled law that transfer is an incidence of service and the Courts/Tribunals have only limited role in the issue of transfer. The challenge to Annexure A-5 order which contains guidelines and policies formulated by the Government which having an all India ramification, is unsustainable in law.

5. We have heard Mr. P.C. Sebastian, counsel for the applicant and Mr.

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Sunil Jacob Jose, SCGSC, appearing for the respondents and perused the records.

6. The transfer of the applicant is governed by Annexure A-5 order dated 17.07.2006. As a special case, limited transfer facility was given to GDSs within the circle. Normally they are expected to maintain residences within the jurisdiction of the Post Offices in which they serve. The applicant has already availed the one time transfer facility under the limited transfer facility to Gramin Dak Sevaks mentioned above. Her request for 2nd transfer has not been accepted by the respondents being not in conformity with the transfer guidelines. Although the applicant may have family problems, the respondents are not in a position to accede to her request for transfer to Melagaram P.O. The transfer is an incidence of service. Unless there is arbitrariness or malafide, the Courts/Tribunals are not expected to interfere in transfers. The applicant does not have any vested right for a particular posting. The respondents have followed the guidelines regarding limited transfer facility to the GDSs. The limited transfer facility to GDSs is a matter of Government policy. As none of the rights of the applicant has been infringed, we do not find any reason to grant the reliefs sought by the applicant in this O.A.

7. Devoid of any merit, the O.A. is dismissed. No costs.

(Dated, the 09th March, 2011)


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER