

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.535/2006

Friday the 18<sup>th</sup> day of January, 2008

CORAM:

HON'BLE SMT. SATHI NAIR, VICE CHAIRMAN  
HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER

P.Usha Devi  
Gramin Dak Sevak Stamp Vendor,  
Vadakkancherry MBR P.O.,  
residing at 'Krishnajali',  
Mannapra, Palakkad – 678685. .... Applicant

By Advocate Mr.K.S.Bahuleyan

V/s.

- 1 Union of India represented by  
Secretary to the Government of India,  
Ministry of Communications,  
Department of Posts, New Delhi
- 2 The Senior Superintendent of Post Offices,  
Palakkad Division, Palakkad-678 001
- 3 The Postmaster General Northern Region,  
Calicut – 673 001. .... Respondents

By Advocate Mr.Shaji V A for Mr.TPM I Khan SCGSC

This application having been heard on 18.1.2008, the Tribunal on the same day delivered the following:

ORDER

Hon'ble Smt.Sathi Nair, Vice Chairman

The applicant was appointed as an E.D.Stamp Vendor Vadakkancherry MBR P.O on 1/6/1998 onwards and on 21/3/2005 the post of EDSV, Vadakkancherry was ordered to be kept vacant w.e.f. 1.4.2005. Thereafter the 2<sup>nd</sup> respondent ordered retrenchment of five GDS

*Qm*

Stamp Vendors including the applicant w.e.f. 16/4/2005 and the date of effect of retrenchment was changed later as 1/8/2005. The date of effect of abolition of the five posts of GDS SV was postponed until further orders. By Annexure A7 pay slip for July 2005 the TRCA of the applicant was reduced to Rs.3215/- from 3257/-. Her TRCA in the Higher Scale of Rs.1740-30-2640 was reduced to lower scale of Rs.1375-25-2115. The reduction in the TRCA is stated to be because of reduction in stamp sales that occurred due to the introduction of Multi Purpose Computer Machine which was used for booking registered articles without affixing the stamps.

2 According to the applicant, apprehending abolition of post of GDS Stamp Vendor, she has submitted a representation dated 23/12/2005 for transfer to GDS SPM Manappadam P.O. And GDS BPM Ayakkad P.O. requesting for appointment to any one of these posts taking into account that she had already served as a Branch Post Master for about 3 and half years.

3 The reply statement has been filed by respondents stating that allowance of the post of Extra Departmental Stamp Vendor is fixed based on the quantum of sale of Stamps. The Gramin Dak Sevak Stamp Vendor posts are justified when the daily average sale of stamps is Rs.5000/-. Though these posts were ordered to be abolished, the incumbents were identified to be provided at other post offices, and no official was allowed to remain jobless. The applicant was offered the post of Branch Postmaster, Mangalam Dam as the incumbent here was to be discharged from the post on attaining 65 years of age. As transfers were not ordered in the case of

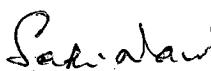
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Gramin Dak Sevak, her request for transfer as GDS SPM post of Manappadam and BPM for Ayakkad could not be considered.. As per the then rules, transfers were not allowed. No retrenchment/abolition of posts was made. As GDS SV Vadakkanchery MBR post had not been abolished, her request was considered but not allowed. It is also submitted that as per the latest orders from Postmaster General, Calicut vide order 31/8/2006, it has been ordered not to abolish the EDSV post of Vadakanchery MBR and as a result, the question of transfer on abolition of posts does not arise. However, the applicant is at liberty to apply for a transfer from one post to another post based on any of the other conditions stipulated in the latest orders dated 17/7/2006 on limited transfer facility to GDS, if the conditions are satisfied that way.

4. Hence, as ~~it~~ now clarified that the post of EDSV is not to be abolished, the applicant cannot claim the status of a retrenched employee, her request for transfer to another GDS post can only be considered under the relevant guidelines at Annexure R-3. If the applicant decides to apply for transfer, she may apply under the liberalised guidelines now notified and we dispose of this OA by permitting the applicant to make a representation under the liberalised guidelines if she so desires and direct the respondents to consider the same and dispose of the same within a time limit of one month from the date of receipt of the representation..

  
GEORGE PARACKEN  
JUDICIAL MEMBER

abp

  
SATHI NAIR  
VICE CHAIRMAN