

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.572/2006

Thursday this the 10 th day of August 2006.

CORAM:

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. K.B.S.RAJAN, JUDICIAL MEMBER**

Jayasree J.P.,
W/o T.K.Asok Kumar,
Gramin Dak Sevak Sub Post Master,
(GDS SPM), Eruvatty, Tellicherry,
Permanent Address: Gokulam,
P.O.Kudallur, Palakkad District 679 554.

Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Communications,
Department of Posts, New Delhi.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum-37.
3. The Postmaster General,
Northern Region, Calicut-11.

Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 10.8.2006
the Tribunal on the same day delivered the following

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant, who is presently working as GDS SPM at Eruvatty sub office, Tellicherry Postal Division, is aggrieved by non-consideration of her request for transfer and posting as GDS SPM at Thalakkassery S.O.in Ottappalam Postal Division. She was transferred to the present post w.e.f. 24.10.2004 and was continuously working there. It is submitted by the counsel for applicant that she is facing hardships as she is living alone as her husband had deserted her and left

abroad. Her son is also studying in a school at a distant place from her place of work. As a vacancy arose at Thalakkassery GDS S.O. where her sister was working, she submitted a representation (A2) dated 13.5.2006. Thereafter she was granted a personal interview with the 2nd respondent and before him she had placed her grievances and she was promised that the action would be taken. She made another representation on 17.7.2006 to both the 2nd and 3rd respondents and she was under the belief that the respondents will consider her case. But, till now, the applicant has not been considered for a posting. It is now apprehended that the respondents are proposing to fill up the post of GDS SPM at Thalakkassery GDS S.O. by transferring someone else.

2. We have heard the counsel on both sides. Counsel for the applicant brought to our notice the recent guidelines issued at Annexure A-1 dated 17.7.2006 regarding limited transfer facility to Gramin Dak Sevaks. It is further defined in A-1 as to what constitutes "public interest", in the context of what has been provided in Note II (iv) below Rule 3 of GDS(Conduct and Employment) Rules, 2001.
3. On a perusal of this rule, we feel that the respondents have now prescribed certain liberalised conditions for consideration of such requests and vested the powers in this regard with the Heads of Circles in deciding each and every individual case on merit.
4. In the light of these guidelines, we consider that the request of the applicant in the representations submitted should be examined by the competent authorities with reference to these norms and no interference from our side at this stage is required.
5. We, therefore, direct the 2nd and 3rd respondents that, the representations at A-2 and A-3 submitted by the applicant shall be considered and disposed of in the light of the guidelines at A-1 and taking into account the facts submitted by the applicant, within one month, if she is otherwise found eligible according to the

guidelines. We also direct that while considering the representaitons, the transfer undergone earlier by the applicant shall not be taken into account. Registry is directed to forward a copy of the O.A. to the 3 rd respondent.

6. The O.A. is disposed of as above. No costs.

Dated the 10th August, 2006.


K.B.S.RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN