

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.611/2003

Dated Thursday this the 21st day of August, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

Mini S.
D/o P.V.Sreedharan
Working as Gramin Dak Sevak Mail Carrier
Chengalam, Changanasserry.
Residing at Paremakkal
Anikkadu P.O.
Kottayam Dist.

Applicant.

(By advocate Mr.O.V.Radhakrishnan)

Versus

1. Superintendent of Post Offices
Changanasserry Division
Kottayam.
2. Chief Postmaster General
Kerala Circle
Thiruvananthapuram.
3. Director General of Posts
Dak Bhavan, New Delhi.
4. Union of India represented by
its Secretary
Ministry of Communications
New Delhi.

Respondents.

(By advocate Mr.T.A.Unnikrishnan, ACGSC)

The application having been heard on 21st August, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant was appointed as Gramin Dak Sevak Mail Carrier, Chengalam under Changanasserry Postal Division, with effect from 1.4.2003. Finding that A-2 notification dated 27.6.03 calling for applications for selection of Gramin Dak Sevak Sub Postmaster, Chittady from open market was issued, she submitted a request for transfer. Alleging that a working ED Agent is entitled to be considered for transfer and that the action taken for recruitment from open market is not in accordance with the extant instructions, the applicant has filed

this application seeking to set aside A-2 notification and for a declaration that she is entitled to be considered for appointment to the post of GDS Sub Postmaster and also for appropriate direction to the respondents to consider the candidature of the applicant for appointment by transfer before making any recruitment from open market.

2. By an interim order dated 24.7.03, the respondents were directed not to proceed further with the A-2 notification till the next date of hearing and that the interim order still continues. Today, the learned ACGSC has filed a counsel's statement on behalf of the respondents.

3. I have heard the learned counsel on either side. The contention of the respondents is that the applicant having been appointed after the commencement of Gramin Dak Sevak (Conduct & Employment) Rules, 2001, does not have any transfer liability and in view of the clarifications contained in the letter of the Director General (Posts) letter dated 27.6.2003, the applicant is not entitled to the claim of transfer.

4. On a perusal of the material on record and on hearing the learned counsel on either side, though it is evident from the Gramin Dak Sevak (Conduct & Employment) Rules, 2001 that a GDS Sevak would not have any transfer liability, it is nowhere stated in the Rules that a GDS Sevak would not have the privilege of being considered for appointment by transfer in the same station or in any station in the same Division. This privilege was conferred on ED Agents in accordance with the Director General (Posts) letter dated 12.9.88. The contention that because of the

absence of any transfer liability, the privilege of consideration for appointment by transfer is not available, is baseless and untenable. The clarification issued on 27.6.03 cannot take away the entitlement to ED Agents for transfer to another post if they are eligible and suitable for such transfer. Therefore, the contention that because the applicant does not have any transfer liability, she cannot be considered for transfer, does not stand.

5. In the light of what is stated above, the contention of the respondents is rejected and the application is disposed of directing the respondents to consider the request of the applicant along with other requests, if any, of working ED Agents/Gramin Dak Sevaks for appointment by transfer to the post before resorting to direct recruitment in terms of the notification. The above exercise shall be completed within a period of six weeks from today. No costs.

Dated 21st August, 2003.



A.V.HARIDASAN
VICE CHAIRMAN

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