

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.96/2007

Friday this the 9 th day of February, 2007.

CORAM:

HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER
HON'BLE MR. N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Surendran R.,
S/o Raghavan Pillai,
Gramin Dak Sevak Mail Deliverer,
Nettayam P.O., Pooyappally,
Kottarakkara, residing at:
Vengavila Veedu, Nettayam P.O.,
Pooyappally, Kottarakkara. Applicant

(By Advocate Shri P.C.Sebastian)

Vs.

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram,
Pin – 695 033.
2. The Senior Superintendent of Post Offices,
Kollam Division, Kollam.
3. The Union of India, represented by Secretary
to Government of India,
Ministry of Communications,
Department of Posts, New Delhi.
4. Smt. Indulekha,
Gramin Dak Sevak Mail Deliverer,
Kulakkada, Kottarakkara. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC

The application having been heard on 9.2.2007
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER

The applicant, at present, serving as GDSMD, Nettayam, has requested
for a posting as GDSBPM, Nettayam consequent upon a vacancy arising in
that post w.e.f. 12.2.2007. Annexure A-5 letter dated 14.8.2006 refers. The 2nd

respondent on consideration of the aforesaid application, sought the consent of the applicant as to, whether the applicant is willing to work as GDS BPM Nettayam in lower TRCA, vide Anexure A-6, dated 12.12.2006, to which by Annexure A-7 letter dated 16.12.2006, the applicant had answered in. Thus according to the applicant, while he was awaiting a favourable order of appointing him as GDS BPM, Nettayam, the impugned order A-8 transferring one Indulekha, GDS MD, Kulakkada (R4) has been passed and the said individual has been asked to take over charge as GDSBPM from 12.2.2007. The applicant challenges this order.

2. Shri TPM Ibrahim Khan, SCGSC takes notice for the respondents.

3. It has been submitted by the counsel for the applicant that it is not exactly clear whether the respondents have acted upon his consent letter dated 16.12.2006 while passing the impugned order and as such, it would be appropriate that the respondents be directed to consider A-7 letter of the applicant and arrive at a judicious decision and till then the impugned order dated 5.2.2007 transferring Indulekha as GDSBPM, Nettayam is stayed.

4. It is stated that, the vacancy of GDSBPM, Nettayam is being caused on retirement of the incumbent to the post w.e.f. 12.2.2007 and in order to ensure smooth running of the Post Office, the applicant may be asked to perform the duties of GDSBPM, Nettayam, till his representation is disposed of.

5. Considering the fact that, the applicant has been working as GDSMD in the very same Post Office, and he having also given his consent for working as GDSBPM, at a lower TRCA, it would be only appropriate that, the

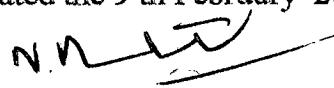


representation/consent letter dated 16.12.2006 be considered and a decision arrived at.

6. We, therefore, direct the 1st respondent to consider A-7 letter dated 16.12.2006 and arrive at a judicious decision. Till then, the order transferring the 4th respondent as GDSBPM, Nettayam, shall not be given effect to. In case, the decision of the respondents be adverse to the applicant, the respondents shall communicate the same by way of a reasoned and speaking order and he shall not be relieved for a week from the date of communication of the speaking order.

7. O.A. is disposed of as above. No costs. (Copy be given to the parties).

Dated the 9 th February 2007.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

Dr.K.B.S.RAJAN
JUDICIAL MEMBER