

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.157/04

Thursday this the 22nd day of July 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

Pooja B Nair,
Kuzhikkattil House,
Vempally P.O. - 686 633.
GDS BPM, Vadakkenirappu P.O.

Applicant

(By Advocate Ms.K.Indu)

Versus

1. Union of India represented
by its Secretary,
Ministry of Communications,
New Delhi.
2. The Director General of Posts,
New Delhi.
3. The Senior Superintendent of Post Offices,
Kottayam.
4. Inspector Posts,
Vaikom Sub Division,
Vaikom.

Respondents


(By Advocate Mr.C.Rajendran,SCGSC)

This application having been heard on 22nd July 2004 the
Tribunal on the same day delivered the following :

O R D E R

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

The applicant working as GDS BPM, Vadakkenirappu P.O.
submitted a request for transfer to an identical post of GDS BPM,
Kothanelloor. The request of the applicant was turned down by
Annexure A-3 order dated 14.1.2004 on the ground that as per the
Directorate letter dated 27.6.2003 transfer of GDS is not
permissible as per rule and that the filling up of the post of
GDS BPM, Kothanelloor has been stayed by Hon'ble C.A.T.,
Ernakulam Bench in an O.A. filed by Smt.Sandhya Ramachandran.



Aggrieved by this order the applicant has filed this application seeking to set aside Annexure A-3 order and for a direction to the 3rd respondent to consider the request of the applicant for appointment by transfer to the post of GDS BPM, Kothanelloor.

2. The respondents resist the claim of the applicant on the ground that the GDS (Conduct & Employment) Rules, 2001 does not permit a transfer and that there is a ban on recruitment as also the filling up of the post in question is stayed by the Hon'ble C.A.T. in O.A.960/03.

3. We have heard the learned counsel on either side. It is now well settled that the transfer of GDS is permissible and the Hon'ble High Court of Kerala has held in 2004 (1) KLT 183 that transfer to identical posts can be made and the rules providing no transfer liability is not a bar in that regard. Therefore the contention of the respondents that the transfer of GDS cannot be considered is untenable. However, the respondents contend that the post cannot be filled presently on account of a ban and on account of an interim order issued by this Tribunal in O.A.960/03. Once the ban is lifted and there is no impediment in filling the post the respondents will have to consider the request of the applicant for transfer. Therefore we are of the view that the application can be disposed of with a direction in that regard.

4. In the light of what is stated above, we dispose of the application directing the respondents to consider the request of

the applicant for transfer to the post of GDS BPM, Kothanelloor once the ban is lifted and stay vacated and when the respondents decide to fill up the post. No order as to costs.

(Dated the 22nd day of July 2004)

12.6.24

H.P.DAS
ADMINISTRATIVE MEMBER

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A.V.HARIDASAN
VICE CHAIRMAN