

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.181/2006

Tuesday this the 12 th day of June, 2007.

CORAM:

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

**N.Maniyan,
S/o Neelakandan Achari,
GDSMD/MC, Thottappally EDSO,
residing at Chalaparambu,
Ambalappuzha, Alappuzha Dist.**

Applicant

(By Advocate Shri M.R.Hariraj)

Vs.

- 1. Union of India, represented by
the Secretary to Government of India,
Department of Posts,
Ministry of Communications,
New Delhi.**
- 2. Chief Post Master General,
Kerala Circle, Thiruvananthapuram,**
- 3. Superintendent of Post Offices,
Alappuzha.**
- 4. Assistant Superintendent of Post Offices,
Alappuzha Sub Division , Alappuzha.**

Respondents

(By Advocate Shri Varghese P.Thomas, ACGSC)

**The application having been heard on 12.6.2007,
the Tribunal on the same day delivered the following.**

ORDER

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

The applicant who was earlier serving as Mail Career at Ambalapuzha, on apprehension of possible abolition of that post at Ambalapuzha, sought for a posting at Thottappaly as GDSMC/MD. By order dated 29.4.94, the applicant was posted as GDSMD at Thottappaly where his

services were retained. The applicant later on applied for a transfer back to Ambalapuzha, as GDS, M.D., but his request was turned down by impugned order (A-I) dated 6.3.06 stating that, under the GDS (Conduct & Employment) Rules, 2001, transfer from one GDS post to another is banned. During the pendency of this O.A., the respondents have revised the policy of transfer by A-7 order dated 17.7.06 which contains five contingencies in which transfer could be effected. One of them is that, a GDS who is posted at a distant place on re-deployment in the event of abolition of the post, is entitled for transfer.

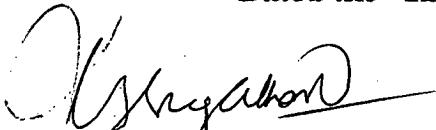
2. As, according to the applicant, his re-deployment had taken place when he was posted to Thottappaly vide order dated 29.2.04, his case is covered by the above contingency, and that his request was only incidental.
3. The respondents contend that, since the applicant's posting at Thottappaly was on the basis of a request made by him on several occasions and as per the Clause -3(a) of the aforesaid order dated 17.7.06 only one transfer being possible, the applicant cannot be again transferred.
4. Counsel for the applicant submitted that the earlier request of the applicant for transfer to Thottappaly was more on account of the possible/expected abolition of post at Ambalapuzha, as otherwise, he would not have made such a request. Counsel for the respondents however, contended that irrespective of the reasons as he has requested for transfer, his move should be taken as in pursuance of a request for transfer only.

5. Arguments were heard and documents perused. One of the modes of appointment to some posts in GDS is by way of re-deployment. The applicant

could not have been continued at Ambalapuzha on account of abolition of the post there. As such, the move of the applicant should be treated as one of re-deployment and not as a transfer. In that event, there is no application of Clause 3(1) of order dated 17.7.06 in this case. Instead, the case of the applicant falls under Clause 2(I) of the order dated 17.7.06. As such, the applicant should be considered in accordance with the order dated 17.7.06. Since the vacancy at Ambalapuzha has not been filled up so far, the respondents shall consider the case of the applicant in preference to any other candidates. This order be complied with within a period of two months from the date of communication of this order.

6. O.A.is allowed as above. No costs.

Dated the 12 th June, 2007.



DR. K.S.SUGATHAN
ADMINISTRATIVE MEMBER



DR. K.B.S.RAJAN
JUDICIAL MEMBER