

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 197 of 2004

Tuesday, this the 17<sup>th</sup> day of May, 2005

CORAM

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER  
HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. Dorris Sykera,  
GDSSV, MC Bazar PO,  
Mattancherry – 682 002  
Residing at Kanissery House,  
St. Sebastian Church Road,  
Kadavanthra, Kochi – 20

Applicant

[By Advocate Shri B. Sajeevkumar]

Versus

1. Union of India represented by its  
Secretary, Ministry of Communications,  
New Delhi.
2. The Chief Postmaster General,  
Kerala Postal Circle,  
Thiruvananthapuram.
3. The Asst. Superintendent of Post Offices,  
Kochi Sub Division,  
Kochi – 682 001

Respondents

[By Advocate Shri George Joseph, ACGSC]

The application having been heard on 17-5-2005, the  
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant, who was working as ED Stamp Vendor at Mattancherry Bazar Post Office from 2000 onwards, has sought for a transfer to the post of GDSSV, Kadavanthra

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Post Office. He has made a representation dated 23-7-2003 (Annexure A4), which was rejected by the impugned order dated 4-8-2003 (Annexure A1). She has made an application for transfer to the post of GDSSV, Kadavanthra, the format of which is Annexure A6 dated 28-2-2004. Aggrieved by the rejection of her claim, the applicant has filed this application seeking the following reliefs:-

- “(i) To call for the records leading to Annexure A1 and quash the same.
- (ii) Declare that making direct recruitment to the post of GDS Stamp Vendor, Kadavanthra Post Office when the request of the applicant for transfer to that post is pending is illegal and direct the 3<sup>rd</sup> respondent to take action accordingly.
- (iii) Direct the respondents to consider the request of the applicant for transfer to the post of GDS Stamp Vendor, Kadavanthra Post Office; and
- (iv) Grant such other relief as may be prayed for and the Tribunal may deem fit to grant.”

2. Respondents have filed a detailed reply statement contending that the applicant cannot be considered for the post of GDSSV, Kadavanthra Post Office.

3. The applicant also has filed a rejoinder reiterating her contentions in the Original Application.

4. MA.No. 144/2005 has been filed by the applicant seeking a stay of implementation of Annexure MA1 order by which the applicant has been transferred as GDSMD, Malipuram. Learned counsel for the respondents had specifically taken our attention to paragraph 4 of the reply statement to the MA.No. 144/2005, which is reproduced as under:-

“.. It is submitted that as regards the post of GDSSV, Kadavanthra to which the miscellaneous applicant sought for transfer in the OA, it is submitted that the GDSSV post of Kadavanthra has also been subjected to review in the light of the policy stated above and has been decided not to fill up that post also. Though selection and appointment was sought for earlier it has been proposed not to fill up that post. As the selection to that post has already been stayed by this Honourable Tribunal and as that post has been found to be unjustified, subsequent to the notification for selection, the post is kept vacant. A proposal to convert the post of GDSSV Kadavanthra to that of GDSMD, is also under



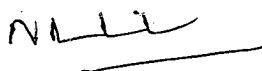
consideration. The relief sought for by the applicant in the OA for posting as GDSSV Kadavanthra cannot be considered in this circumstance apart for the reasons stated in the reply statement."

5. When the matter came up for hearing, learned counsel for the applicant submitted that considering the changed circumstances of certain vacancies that are likely to arise in the nearby places and the handicapped situation of the applicant, in not able to undertake the Mail Deliverer job, the applicant may be permitted to make a comprehensive representation to the 3<sup>rd</sup> respondent and a direction may be given to the 3<sup>rd</sup> respondent to dispose of the same within a time frame. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

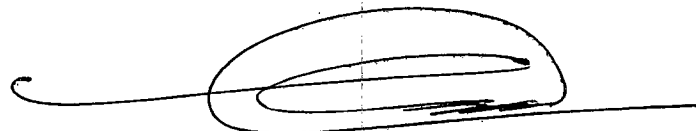
6. Without entering into the merit of the case, we permit the applicant to make a comprehensive representation to the 3<sup>rd</sup> respondent within 10 days from today. If such a representation is received, the 3<sup>rd</sup> respondent shall consider and dispose of the same within two months from the date of receipt of the representation. In the interest of justice, we also direct that the applicant will not be disturbed from the present post till such representation is disposed of and communicated to the applicant.

7. The Original Application is disposed of as above at this stage. In the circumstances, there is no order as to costs.

Tuesday, this the 17<sup>th</sup> day of May, 2005



**N. RAMAKRISHNAN**  
**ADMINISTRATIVE MEMBER**



**K.V. SACHIDANANDAN**  
**JUDICIAL MEMBER**

Ak/NRP