

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.316/05

Tuesday this the 10th day of October 2006

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

Smt.Nirmala M.T., W/o.Gopinathan Nair,
Gramin Dak Sevak Branch Postmaster,
Kanam P.O., Changanassery.

...Applicant

(By Advocate Mr.P.C.Sebastian)

Versus

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
2. The Superintendent of Post Offices,
Changanassery Division, Changanassery.
3. The Director General Posts,
Department of Posts, Dak Bhavan, New Delhi.
4. Union of India represented by the Secretary
to Govt. of India, Ministry of Communications,
Department of Posts, New Delhi.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 10th October 2006 the
Tribunal on the same day delivered the following :-

O R D E R

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant herein had approached this Tribunal aggrieved by the
rejection of her application for a transfer to the vacancy of GDS BPM
which existed at Elamkad, which is nearer to her house.

2. The respondents have filed a reply statement and contested the application on the ground that according to the guidelines in force GDS have no transfer liability and therefore they cannot seek transfers and that her request will not come under the purview of public interest.

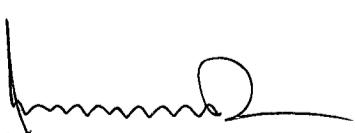
.2.

3. The applicant filed an MA 776/06 for early hearing of the matter enclosing the revised guidelines issued vide letter dated 17.7.2006 by the Department granting limited transfer facility to GDS subject to fulfillment of certain conditions laid down therein and has submitted that the applicant would be eligible for consideration for transfer in terms of the said order.

4. When the matter came up for hearing today, counsel for the applicant submitted that the applicant being a lady her case would fall under category III, para 2 of the Annexure MA-I revised guidelines of the Department and that she would also be eligible for consideration under category IV for being a diabetic patient. He further submitted that the applicant would be satisfied if a direction is given to the respondents to consider her case in accordance with the revised guidelines.

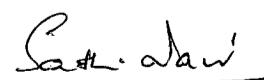
5. Therefore, in the interest of justice, we dispose of this OA, by the consent of the parties, allowing the applicant to make a fresh representation in the light of the revised guidelines Annexure MA-I within a period of one week from the date of receipt of a copy of this order and direct the respondents to consider and dispose of the said representation by a speaking order within a period of one month. Till such time, we also direct that the post of GDS BPM, Elamkad shall not be filled on regular basis. No order as to costs.

(Dated the 10th day of October 2006)



GEORGE PARACKEN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN