

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.336/2003.

Thursday this the 12th day of June 2003.

CORAM:

HON'BLE MR.T.N.T NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Leelamma P.J.,
Gramin dak Sevak Mail Carrier,
Kanthalloor P.O.,
residing at Adhikarathil House,
Kanthalloor P.O.,
Idukki District, PIN - 685 620/ Applicant

(By Advocate Shri. PC Sebastian)

Vs.

1. The Superintendent of Post Offices,
Idukki Division,
Thodupuzha, PIN - 685 584.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum.
3. The Director General of Posts,
Department of Posts,
Dak Bhavan,
New Delhi.
4. Union of India represented by its Secretary,
Ministry of Communications,
Department of Posts,
New Delhi-110 001.

(By Advocate Shri C.B.Sreekumar, ACGSC)

The application having been heard on 12th June 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant in this case is a Gramin Dak Sevak Mail Carrier (GDSCMC for short) Kanthalloor falling within the Idukki Division. On coming to know about the A2 notice issued by the first respondent inviting applications for appointment to the Post of GDSBPM at Kanthalloor from outsiders, the applicant made a request (A3) dated 25.3.2003 staking her claim to be considered for appointment by transfer as Gramin Dak Sevak Branch Post

Master (GDSBPM for short) at Kanthalloor. Since no action has been taken in that regard, the applicant challenges A2 notice on the ground that the applicant has a preferential claim over outsiders in the matter of appointment to the post of GDSBPM. She also claims that, she satisfies all the other eligibility criteria like educational qualification, source of independent income etc.

2. When the matter came up before the Bench, Shri P.C. Sebastian, learned counsel appeared for the applicant and Shri C.B. Sreekumar, ACGSC appeared for the respondents. Learned ACGSC has been seeking time for making a statement before admission. However, no such statement has been made till today. When the matter came up for consideration, learned counsel for the respondents stated that as per instructions received from the respondents, the applicant's alleged claim of having made a request, is not correct, since no such request was received by the respondents in time and that she was not eligible for transfer as per rules. To this Shri P.C. Sebastian, learned counsel for the applicant answered by saying that, the applicant had made a request (A3) on 25.3.2003 and that the same was not in response to the A2 notice as such, but, with a view to bring to the notice of the respondents the applicant's superior claim in the matter of appointment by transfer in the light of the Director General of Posts' letter dated 6.6.88 and subsequent clarifications thereon.

3. When the matter was considered, both the counsel agreed that the O.A. could be disposed of by directing the 1st respondent

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to consider the applicant's request dated 25.3.2003 (A3) in the light of the extant circulars, instructions, orders and rules in the matter of appointment to the post of GDSBPM by transfer. Respondents will also benefit by going through the various decisions of this Tribunal on this point, which we understand, have become final. (See O.A.45/98 and other orders.)

4. We, therefore, dispose of the O.A. by directing the first respondent to consider the applicant's request (A3) dated 25.3.2003 in the light of the extant instructions and orders on the subject, particularly, the DG Posts' letter dated 6.6.88 and the clarifications thereon and on the decisions of this Tribunal on the same point (as in O.A.45/98 etc.) and pass appropriate orders with a copy thereof to the applicant within a period of two months from the date of receipt of a copy of this order. We also direct the respondents to consider the applicant for appointment within the said period of two months, to the post of GDSBPM, Kanthalloor by transfer, if it is found that she fulfils all other eligibility criteria.

5. Until a decision on the issue as directed above, is taken and communicated to the applicant, the respondents are prohibited from acting any further, in pursuance of the impugned A2 notice. No order as to costs.

Dated the 12th June, 2003.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



T.N.T.NAYAR
ADMINISTRATIVE MEMBER