

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.342/2004

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

N.Rajakumaran
Branch Post Master,
Sitharkunda Branch P.O.,
Chittoor Taluk, Palghat District
Permanent address:
Pezhumpara,
Chathamangalam P.O.,
Nenmara,
Palghat District

: Applicant

[By Advocate Mr.T.C.G.Swamy]

Vs.

1. The Union of India represented by
the Secretary to Government of India,
Ministry of Communications,
2. The Chief Postmaster General,
Kerala Circle,
Trivandrum.
3. The Senior Superintendent of Post Offices,
Palakkad Division,
Palakkad : Respondents

[By Advocate Mr.C.B.Sreekumar, ACGSC]

The application having been heard on 22.07.2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant Gramin Dak Sevak Branch Post Master (for short GDSBPM), Sitharkunda sought an appointment by transfer to the post of GDSBPM at Chathamangalam or Nelliampathy. Since his request did not evince any response the applicant has filed this Original Application to direct the respondents to consider the applicant for a transfer and appointment to one of the vacancies of Branch Post Masters at Chathamangalam or Nelliampathy.

2. The respondents have indicated that the post of GDSBPM has become vacant due to the absorption of regular incumbent with effect from 15.01.2004 and the post is to be filled up as approval has been received. They have also indicated that another post of GDSBPM, Nelliampathy has also become vacant. The only contention taken is that since the GDS (Conduct & Employment) Rules, 2001, do not contain any transfer liability the request for transfer cannot be entertained. It has been held by this Bench of the Tribunal as also the Hon'ble High Court that in a number of decisions that the absence of provisions regarding transfer liability does not disentitle working GDS seeking transfer to identical posts. Therefore, the contention that there is no provision for transfer liability and therefore the applicant's request cannot be considered is untenable. Since the respondents admit that there is a vacancy at Chathamangalam due to be filled up the application is disposed of directing the respondents to consider the applicant for transfer to that post alongwith similar requests, if any of eligible GDS before resorting to direct recruitment from open market. No order as to costs.

Dated, the 22nd July, 2004.

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H.P.DAS
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

vs