

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH  
ORIGINAL APPLICATION NO:346/2006  
DATED THE 13<sup>th</sup> DAY OF OCTOBER,2006

**CORAM:**

**HON'BLE SMT. SATHI NAIR, VICE CHAIRMAN  
HON'BLE SHRI GEORGE PARACKEN, MEMBER(J)**

P.V.Rajappan,  
GDS MD, Thanneermukkam Post Office,  
residing at Palakkat Veli,  
Mayithara, Cherthala. ... Applicant

By Advocate Ms.Annamma Philip

V/s.

1. Superintendent of Post Offices,  
Alappuzha Postal Dvn.,  
Alappuzha.
2. Sub Divisional Inspector of Post Offices,  
Cherthala Sub Division,  
Cherthala-24.
3. Union of India represented by its  
Secretary,  
Ministry of Communication,  
New Delhi. ... Respondents

By Advocate Mr.TPM I Khan SCGSC

The application having been heard on 13.10.2006 the Tribunal delivered  
the following:

**O R D E R**

**Hon'ble Mrs.Sathi Nair, Vice Chairman.**

In this application, the applicant has submitted that he was working as GDS MD at Mayithara Market Post Office since 1983. When the post was abolished he was posted to Ezhupunna South. Thereafter he

was permanently appointed at Thanneermukkam Post Office. However, a post has been created again at Mayithara Market Post Office in the year 2005. The applicant had made a request for transfer to the said post. The respondents had issued an advertisement to fill up the vacancy from, the Open Market. The stand of the respondents is that, once, applicant had already requested for a transfer and was <sup>already</sup> ~~granted~~ a transfer to Thanneermukkam Post Office. The applicant also relied on the judgment of Hon'ble High Court in 2004(1)KLT 183, Senior Superintendent of Post Offices V/s. Raji Mol wherein it was held that the provision in the Rules <sup>only</sup> embodies protection to the employee, it does not place a restriction on his right to claim transfer to another post.

2. When the matter came up today, the counsel also invited our attention to the revised transfer guidelines of the Department of Posts dated 17/7/2006. In terms of para-2 of the above, Limited Transfer Facility to Gramin Dak Sevaks has been allowed on fulfillment of certain criteria and criteria (I). refers to a GDS who is posted at a distant place on redeployment in the event of abolition of the post" under which the applicant is eligible to be considered.

3. The respondents however contested the averments on the ground that the Rules do not provide for transfer except in case of 'public interest' and it was also pointed out that by Annexure R-3 order, the applicant had already been informed that any further request from the applicant for transfer will not be considered.

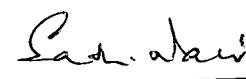
4. We have gone through the material on record, new ~~law~~

guidelines and the judgment of the Hon. High Court. It is also pointed out that the case of the applicant has been considered and Annexure A-3 order dated 26/8/2005 had been issued posting him to Mayithara Market but the respondents have explained that this order could not be implemented at that time ~~and~~ because the chain of transfer could not materialise due to pressure from the staff union

5. In view of the fact that the post at Mayithara Market is still vacant and has been notified by respondents in the Open Market for filling ~~of~~, which has been stayed by this Tribunal, and also that the revised guidelines dated 17/7/2006 have been issued by the respondents dated 17/7/2006 which permits that such cases could also be considered, we are of the view that this OA can be disposed of by permitting the applicant to submit a fresh application to the respondents in the light of the fresh guidelines and also with reference to the judgment of the High Court. The applicant shall submit such a comprehensive representation within ten days and the first respondent shall consider the representation and communicate a decision to the applicant within two months from the date of receipt of such a representation. OA is disposed of. No costs.



GEORGE PARACKEN  
JUDICIAL MEMBER



SATHI NAIR  
VICE CHAIRMAN

abp