

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.362/10

Friday this the 7th day of May 2010

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

Joy Mathew,
S/o.B.Mathai,
Working as GDS MD, Ullanad P.O.
Residing at Purayidathil House,
Kadanad P.O. 686 653.

...Applicant

(By Advocate Mr.P.C.Sebastian)

V e r s u s

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
2. The Senior Superintendent of Post Offices,
Kottayam Division, Kottayam.
3. The Inspector Posts,
Pala Sub Division, Pala - 686 575.
4. The Union of India
represented by Secretary to Government of India,
Ministry of Communications, Department of Posts,
New Delhi.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 7th May 2010 the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is presently working as GDS MD at Ullanad PO in Palai Sub Division of Kottayam Postal Division with effect from 25.2.1983.

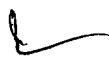


.2.

When the vacancy of GDS MP, Kadanad has occurred, he made a representation to consider him for transfer there, on the ground that his father, who is suffering from dementia, is dependent upon him. He has also produced a medical certificate from Dr. Gracykutty Mathew, MD (Med.) DM (Neuro), Medical College, Kottayam in this regard. He has also submitted that his request for transfer is covered by the Annexure A-3 Letter No.19-10/2004-GDS dated 17.7.2006 issued by the Department of Posts regarding limited transfer facility to Gramin Dak Sevaks. Para 2 (v) of the said letter reads as under :-

" where the GDS is looking after the welfare of a physically handicapped/mentally handicapped person/dependent and he/she requires to move to different places to give support to such physically/mentally challenged person/dependent."

2. The grievance of the applicant is that without considering his aforesaid representation for transfer to Kadanad Post Office, the 3rd respondent, namely, the Inspector Posts, Pala Sub Division, Pala had notified that vacancy to be filled up from open market. He has, therefore, sought a declaration to the respondents that he is entitled to have his request for transfer as GDS MP, Kadanad duly considered by the competent authority in the light of Annexure A-3 Government Instructions before proceeding to fill up the said post from open market. He has also sought an interim order to direct the 3rd respondent to keep in abeyance further proceedings pursuant to Annexure A-1 notice till the final disposal of this OA.



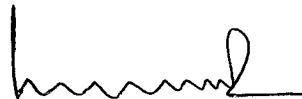
.3.

3. Shri.Varghese on behalf of Shri.Thomas Mathew Nellimoottil has appeared for the respondents on receipt of the advance copy of this OA. He wanted to take instructions in this matter from the respondents department.

4. I have considered the submissions made by the counsel for the parties. In my view this OA can be disposed of at the admission stage itself. Accordingly, I direct the respondents to consider and take a decision on the applicant's Annexure A-2 representation dated 2.3.2009 before any appointment is made as GDS MP, Kadanad pursuant to the impugned Annexure A-1 order dated 30.3.2010 and convey the same to him within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that the respondents are at liberty to finalise the recruitment process but no order of appointment pursuant to the said selection shall be made before the aforesaid representation is disposed of.

5. With the above directions, this OA is disposed of. There shall be no order as to costs.

(Dated this the 7th day of May 2010)



GEORGE PARACKEN
JUDICIAL MEMBER

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