

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.40/2003

Monday this the 2nd day of June, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Jaisankar K.S.
S/o Late K.P.Sankara Narayanan
Working as Gramin Dak Sevak Mail Carrier
Mulayamkavu BO
Residing at Kuzhikkattil Poothirakuzhiyil
Kanniampuram P.O.
Ottapalam.

Applicant.

(By advocate Mr.O.V.Radhakrishnan)

Versus

1. Superintendent of Post Offices
Ottapalam Division
Ottapalam - 679 101.
2. Director General of Posts
Dak Bhavan, Sansad Marg
New Delhi.
3. Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
4. Union of India represented by
its Secretary
Ministry of Communications
New Delhi.
5. Assistant Director General (GDS)
Dak Bhavan, Sansad Marg
New Delhi.

Respondents.

(By advocate Mr.M.Rajeev, ACGSC)

The application having been heard on 2nd June 2003, the Tribunal on the same day delivered the following:

O R D E R

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

Applicant who is presently working as Gramin Dak Sevak Mail Carrier (GDS MD for short), Mulayamkavu B.O., coming to know that a post of GDS Branch Post Master would arise, submitted a request (Annexure A-4) for transfer to that post to the first respondent. Finding that the 3rd respondent has issued A-2 order dated 27.12.02 indicating that GDS employees recruited after the

the new GDS rules dated 24.4.2001 came into operation would not be entitled for transfer, as also A-6 letter of the Assistant Director General (GDS) dated 26.12.02 which would indicate that transfer is justified only in the event of surplusage, the applicant, apprehending that his request for transfer would not be considered, has filed this application for setting aside A-2 and A-6 and for a declaration that the applicant is eligible and entitled to seek transfer and appointment to another post of GDS BPM, Kalkandy, which is in the same Division. It is alleged in the application that this Tribunal in OA 45 of 1998 had held that when an ED post falls vacant in the same place, it has to be filled first with an ED employee who is willing to be appointed against that post and then only open market recruitment should be resorted to and that the action of the respondents in not considering the applicant for transfer is unjustified.

2. Respondents have filed a detailed reply statement. When the matter came up, the learned counsel for the respondents stated that the request of the applicant for transfer to the post of GDS BPM, Kalkandy would be considered in accordance with rules before resorting to direct recruitment and the application may be disposed of with appropriate directions in that regard. The learned counsel for the applicant has no objection.

3. Since on behalf of the respondents it has been conceded that the request of the applicant for transfer to the post of GDS BPM, Kalkandy would be considered in accordance with rules and instructions and then only if required open market recruitment should be resorted to, we dispose of this application directing the respondents to consider the request of the applicant as also

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other working ED agents, if any, for transfer to the post of GDS BPM, Kalkandy and only if the applicant and other ED Agents are found ineligible and unsuitable for appointment of the post, recruitment from open market should be resorted to. A-6 instructions of Assistant Director General (GDS) being against the Director General's (Post) clarifications contained in A-7 & A-8, the same is declared unoperative. No costs.

Dated 2nd June 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

aa.



A.V. HARIDASAN
VICE CHAIRMAN