

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.396/04

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

Lakshmi K.V.,
G.D.S.B.P.M.,
Pallivayal, Karimbam.

Applicant

(By Advocate Mr.M.Sasindran)

Versus

1. The Superintendent of Post Offices,
Kannur Division, Kannur.
 2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
 3. The Director General of Posts,
Department of Posts, Dak Bhavan,
New Delhi - 110 001.
 4. Union of India represented
by its Secretary,
Ministry of Communications, New Delhi.
- Respondents


(By Advocate Mrs.Mariam Mathai,ACGSC)

This application having been heard on 22nd July 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 (GDS BPM in short) Pallivayal P.O. requested for a transfer to the post of GDS BPM, Koottumugham P.O. This request was turned down by Annexure A-2 order on the ground that GDS as per rules are not eligible for transfer. Aggrieved the applicant has filed this application seeking to set aside the impugned order (Annexure A-2) and for a direction to the respondents to appoint the




applicant to the post of GDS BPM at Koottumugham by transfer.

2. The respondents in their reply statement contend that as there is no transfer liability for GDS in terms of the GDS (Conduct & Employment) Rules, 2001 the applicant is not entitled to seek transfer. It is also contended that there is another application filed by K.N.Ammuni, BPM Poonhola in O.A.311/04 seeking transfer to the identical post.

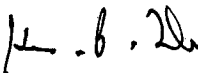
3. We have heard the learned counsel on either side. It is well settled by now that even if the GDS (Conduct & Employment) Rules, 2001 does not contain provision of transfer liability there is no prohibition in the request for transfer being considered by the competent authority in the case of identical posts. Therefore the stand taken by the respondents that because there is no provision for transfer in the GDS (Conduct & Employment) Rules, 2001 the applicant is not entitled to seek transfer is not tenable. However since there are other claimants like K.N.Ammuni we are of the considered view that the application can be disposed of now directing the respondents to consider the case of the applicant for transfer to the post of GDS BPM along with similar other requests, if any.

4. We, therefore, dispose of the application directing the respondents to consider the request of the applicant for transfer to the post of GDS BPM along with other requests, if any, made by eligible GDS for transfer. We also direct that recruitment from open market should be resorted to only if the applicant or other



ED Agents, if any, who have applied for transfer is found ineligible or unsuitable. No costs.

(Dated the 22nd day of July 2004)


H.P.DAS
ADMINISTRATIVE MEMBER

asp


A.V. HARIDASAN
VICE CHAIRMAN