

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**
Original Application No. 401 of 2011

This the 02nd day of August, 2011

CORAM:

Hon'ble Dr.K.B.S.Rajan, Judicial Member

Hon'ble Ms.K.Noorjehan, Administrative Member

K.Dasan, S/o late Achuthan, GD SMD
Iswaramangalam BO, Ponnani Sub Division
Thirur Division, R/o Kunnatheyil House
Thrikkavu, Ponani - 679577

.....

Applicant

(By Advocate - Mr.Shafik M.A)

Versus

1. Union of India represented by Chief Postmaster General
Kerala Circle, Trivandrum - 695033.
2. The Sr.Superintendent of Post Offices
Tirur Division - 676104.

.....

Respondents

(By Advocate - Mr.Raveendra Prasad, ACGSC)

The application having been heard on 02.08.2011, the Tribunal delivered the following.

ORDER

HON'BLE Mrs.K.NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the refusal of the respondents to re-deploy him against his choice station despite the fact that the post is vacant.

2 Brief facts pf the case as stated by the applicant are that he was initially appointed as Telegraph Messenger in the year 1982. While working as such on abolition of the post he was re-deployed as Stamp Vendor at Ponani Head Postoffice (GDSSV for brevity) in the year 1995. A Committee was constituted to review GDSSV establishment and as per the

TJ

recommendation of the Committee a few posts are abolished. The surplus employees were offered alternate posting to their choice station vide Annx.A2.. The applicant gave his choice as GD SMP Edappal, against a vacant post. Even though GD SMP Edappal was vacant by the impugned order Annx.A1, the applicant was posted as GDSSV at Iswaramangalam. He averred that he was forced to join at Iswaramangalam on 11.4.2011 in spite of the fact that the post which he has indicated as his choice station is still vacant. He further submitted that even after putting in 28 years exemplary service the respondents have neither offered him a Group-D post nor Postman post despite the fact that he fulfills the qualifications for the same. The TRCA attached to the post which he has sought for is lesser than the TRCA being drawn now. It is also stated that he is patient of severe allergy and asthma and high Blood Pressure. He is under treatment for the last so many years. To reach his place of present posting at Iswaramangalam he has to travel 22 Kms and the applicant is unable to ride bicycle due to his ill-health. He made a representation to the Inspector which was of no avail. Therefore, he further represented to the 1st respondent narrating all the difficulties alongwith medical certificates on 12.5.2011. Since nothing is heard till date, the applicant was forced to take leave and approach this Tribunal in the interest of justice.

3 The respondents have controverted the OA by filing reply. It is stated in their reply that on recommendations of the Committee constituted under Shri R.S.Nataraja Murthi, the Postal Directorate, New Delhi, issued instructions to the Postmaster General to conduct a review of GDSSV posts to examine their retention. Accordingly Ponani HPO was instructed to examine the need for retention of the post. As per the review report the GDSSV post held by the applicant had become surplus and he was re-deployed for delivery work as Gramin Dak Sevak Mail Deliverers (GDSMD) at Iswaramangalam. He joined the new post on 11.4.2011. It is also submitted that they were following the guidelines issued by Deptt of



360/2011. The operative portion is extracted below:

Tribunal had dealt with an identical issue in O.As 305, 306, 307,359 & in a lower TRCA, as his present pay will be protected in the lower TRCA. This the indoor job of GDS Mail packer. He is willing to work in the GDSMP post a distance of 20 Kms every day to Iswaramangalam. Therefore he prefers the applicant suffers from asthma and other health problems he cannot cycle applicant to ensure that there is no drop in his allowances. However since contained in Annex.R1 and to safeguard the monetary intention of the convinced that it was done, to comply with the direction from DOP as the impugned order posting him as GDSMP Iswaramangalam. We are Edappal. Even after obtaining the choice station the respondents have issued choice station from among the vacant posts in the division as GDSMP from the applicant to indicate his choice station and the applicant gave his station. It is an admitted fact that the respondents have called for options whether the applicant is entitled to be considered for posting at his choice record.

5 The question that comes up for consideration in this O.A is record.

4 We have heard the learned counsel for the parties and pursued the

Iswaramangalam.

issuing the impugned order Annex.R1 and posting the applicant as GDSMP he is posted to GDSMP Edappal. Hence the respondents are justified in recruitment as Postman. There will be a drop in the TRCA of the applicant if applicant to appear in the Departmental Competitive Examination for Postman, it is submitted that there were sufficient opportunities for the at Edappal is still vacant. With regard to offering him a Group-D post or Annex.R1 in support of their contention. They admitted that a post of GDSMP were all re-deployed as GDSMP. They produced the letter from DOP at TRCA. Since the TRCA slabs of GDSV and GDSMP were identical they Post etc. They were also instructed to ensure that there is no drop in the Post (DOP) to redeploy the GDSV for delivery work pertaining to Speed

5 As the posts of GDSSV are being abolished, the applicants are to be accommodated within the nearer places and since vacancies do exist in such places as preferred by the applicants, the OAs are disposed of with a direction to the respondents concerned to accommodate the applicants in the places as indicated

6 We follow the above order. Accordingly we set aside Anxx.A-1 order and direct the 2nd respondents to consider the request of the applicant for posting at Edappal. Action on the above lines shall be completed as early as possible, at any rate within one month from the date of receipt of a copy of this order. The O.A is allowed as above. No costs.

mm —
K.NOORJEHAN
ADMINISTRATIVE MEMBER

kkj

W.B.S.Rajan
Dr.K.B.S.RAJAN
JUDICIAL MEMBER