

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.412/2004

Wednesday, this the 17th day of November, 2004.

CORAM;

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

Thresiamma Dominic,
Gramin Dak Sevak Mail Deliverer,
Peermade. - Applicant

By Advocate Mr P.C.Sebastian

Vs

1. The Postmaster General,
Central Region,
Kochi-682 018.
2. The Superintendent of Post Offices,
Changanachery Division,
Changanachery-686 101.
3. The Sub Divisional Inspector of
Post Offices,
Mundakayam Sub Division,
Mundakayam-686 513.
4. The Union of India
represented by Secretary
to Government of India,
Ministry of Communications,
Department of Posts,
Dak Bhavan, New Delhi. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC

The application having been heard on 11.11.2004, the Tribunal on 17.11.2004 day delivered the following:

O R D E R

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

The applicant who is working as a regular Gramin Dak Sevak Mail Deliverer (GDSMD), Peermade in Idukki Division,

submitted a representation to the first respondent requesting transfer to the vacant post of GDSMD, Punchavayal as her husband's residence is at Punchavayal. The representation was rejected by the order dated 20.4.2004 (A-3). Aggrieved by the decision, the applicant filed this O.A. for quashing A-3 with a direction to the first respondent to consider her request for transfer as GDSMD, Punchavayal Post Office.

2. The submissions made by the applicant are, in brief, as follows: The representation submitted by the applicant for her transfer to Punchavayal Post Office in which there is a vacant post of GDSMD deserves due consideration as the applicant's ailing father in-law resides there on retirement. The applicant's representation was summarily rejected by the impugned order ignoring the fact that this Tribunal in O.A.No.45/1998 and O.A.1057/1999 held such transfer permissible. The contention of the respondents that the transfer of the applicant is contrary to rules is contradicted by their stand to provide alternate appointments to retrenched GDS on account of reduction/abolition of posts.

3. The respondents in the reply statement contested the claim of the applicant. It is stated in the reply statement that GDS has no transfer liability under Rule 3 of GDS (Conduct & Employment), 2001. As a retrenched GDSMD and GDS are to be given alternate appointment it is not possible to accommodate the applicant who is a GDSMD of another Postal Division. The provision of employment of retrenched GDS is to be given priority over the request of transfer of the working GDS in another Postal Division.

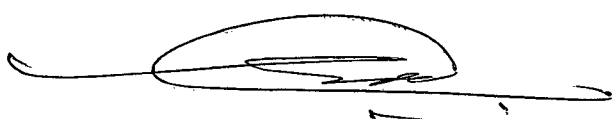
4. We heard the learned counsel for both sides and perused the pleadings. The contention of the respondents that the request of the applicant for transfer to Punchavayal Post Office could not be acceded to as per the present rules does not hold good. This Tribunal in its order dated 18.6.2003 in O.A.369/2003 which was pronounced after GDS (Conduct & Employment) Rules, 2001 came into force held as follows:

"...It is well settled that an ED Agent working in a different recruitment unit can also be transferred to a vacancy which arise in another unit, the only disadvantage being the person so appointed on transfer to a different unit may lose his seniority in the grade. Now that the applicant is a GDSPM and had also applied for transfer to the post of GDSPM Aruvikuzhi PO, before proceeding further with the action for recruitment from open market, the claim of the applicant for such transfer has to be considered."

5. We are in respectful agreement with the decision of this Tribunal in the aforesaid O.A. and hold that the applicant's plea for transfer to Punchavayal Post Office deserves due consideration.

6. The impugned order at A-3 is quashed with a direction to the respondents to consider the request of the applicant for transfer as GDSMD, Punchavayal Post Office and issue appropriate orders within two months from the date of receipt of copy of this order. The O.A. is accordingly disposed of. No costs.

Dated, the 17th November, 2004.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



S.K.HAJRA
ADMINISTRATIVE MEMBER

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