

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA/310/00032/2018

Dated Wednesday the 26th day of September, Two Thousand Eighteen

PRESENT

**Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr.P.Madhavan, Member (J)**

R.Sriramgopal,
S/o Shri M.G.Ravindran,
Gramin Dak Sevak (Mail Deliverer),
Ekanampet Branch Post Office,
a/w Ayyampettai SO 631 601,
Kanchipuram Postal Division .. Applicant

By Advocate M/s P.R.Satyanarayanan

Vs.

1. Union of India rep., by
The Postmaster General,
Chennai City Region,
Chennai 600 002.

2.Superintendent of Post Offices,
Kanchipuram Postal Division,
Kanchipuram 631 501.

3.The Inspector Posts,
Sriperumbudur Sub Division,
Sriperumbudur 602 015. .. Respondents

By Advocate Mr.K.Rajendran

ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard both sides. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for the records relating to the impugned proceedings No.IP/SPD/RS/Dlgs dated 22.12.2017 issued by the third respondent and confirmed by proceedings. No.B2/5-7/SPD(S) Dn/dlgs dated 08/09.01.2018 issued by the second respondent and quash them as illegal and arbitrary and direct the respondents to permit the applicant to continue in his present post and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. It is submitted that the applicant is aggrieved by Annexure A-8 direction to him dated 28.12.2017 to join at Thandalam BO as GDS(MD). The applicant is presently working as GDS in Ekanampet BO following his appointment therein after two posts of Postman were made available at Irungattukottai where the applicant was already working as GDS MD II in terms of Annexure A-2 order dated 28.09.2015. It is submitted that the applicant, having been appointed as GDS MD, Ekanampet which post he joined w.e.f 23.08.2017, could not be transferred to another GDS post in terms of Department of Posts Lr.No.14-21/2000-PAP, dated 06.02.2001

which clearly states that ED agents were not liable or entitled to transfer from one post to another.

3. It is alleged that the applicant is being disturbed from his present post only to accommodate one Shri Balakrishnan on the ground of seniority which was wholly irrelevant for the purpose of transfer as GDS which even otherwise was not permissible under the above standing instructions. Accordingly, it is contended that the impugned order dated 22.12.2017 posting the applicant as GDS MD, Thandalam BO is liable to be quashed and set aside.

4. The respondents have filed a reply wherein it is contended that the applicant's appointment to Thandalam was not in the nature of a transfer but only a posting. The applicant was earlier serving in Irungattukottai as GDS MD III below one Mr.Balakrishnan and another Mr.Thiyagaraj. While so, two regular posts of Postman were made available for Irungattukottai as a result of which two of these three persons had to move out. Accordingly, GDS MD I Mr.Balakrishnan was proposed to be posted at Thandalam and the applicant was posted to Ekanampet. However, since the said Mr.Thiyagaraj was subsequently transferred and posted as GDS MD Ulandai BO one post was available at Irungattukottai. It was, therefore, decided that the said Balakrishnan could be retained at

Irungattukottai and the applicant should be posted to Thandalam where the services of the incumbent 'outsider' was found to be unsatisfactory. Since this is not a case of transfer but only a posting of GDS from Irungattukottai to Thandalam following availability of regular posts to which the applicant was not entitled, the applicant could have no valid grievance, it is contended.

5. We have considered the facts of the case. It is not in dispute that following the availability of two regular posts of Postman at Irungattukottai, the applicant was appointed as GDS at Ekanampet by (Annexure A-5) order dated 31.08.2017 which post the applicant had joined. The impugned order dated 22.12.2017 appointing him as GDS Thandalam does not seem to take cognizance of the fact that the applicant had already joined at Ekanampet. It appears that the authorities continued to treat him as a 'thrown out' GDS at Irungattukottai. Since the applicant had already worked at Ekanampet for over three months as GDS, this fact could not be wished away. Clearly, movement of a GDS from one BO to another would be a case of transfer after the 'thrown out' GDS had already been accommodated at one place. He would, therefore, be entitled to his rights flowing from the relevant rule/executive instructions which prohibit transfer of a GDS from

one place to another.

6. As the appointment of the applicant as GDS does not carry a transfer liability, we have no hesitation in quashing the Annexure A-6 impugned order dated 22.12.2017. Accordingly, the applicant shall continue to work at Ekanampet as GDS MD. The OA is disposed of.

(P.Madhavan)
Member (J)

26.09.2018

(R.Ramanujam)
Member(A)

M.T.