

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Original Application No. 332/00115/2018

This the 26th day of April, 2018

Hon'ble Mr. Justice V.C Gupta, Member - I

Smt. Vandana Tripathi, aged about 32 years wife of Late Shri Durgesh Kumar Tripathi, R/o Village & Post – Tewaripur, District - Pratapgarh.

..... Applicant

By Advocate: Sri Praveen Kumar.

VERSUS

1. Union of India through the Chief Post Master General, UP Circle, Lucknow.

2. The Senior Superintendent of Post Offices, Pratapgarh Division, Pratapgarh.

3. The Superintendent of Post Offices, Pratapgarh Division, Pratapgarh.

4. The Inspector of Post Offices, Kunda Sub Division, Pratapgarh.

..... Respondents

By Advocate: Sri Rajesh Katiyar

ORDER (ORAL)

Delivered by: Hon'ble Mr. Justice V.C Gupta, Member - I

Heard the counsel for the applicant and counsel for the respondents under Rule 19(b) of CAT Rules of Procedure, 1993.

2. This O.A can be disposed of at the admission stage without calling for the reply from the respondents' side with the consent of the parties.

3. Brief facts giving rise to this petition is that the applicant was initially appointed as GDS BPM in Sahijani sub post office in district Pratapgarh on 18.12.2014. She belongs to village Tewaripur which also comes in District Pratapgarh. In Tewaripur, there is also a sub post office which is being run in the residential accommodation of the applicant. After joining at Sahijani Sub post office, the applicant was attached vide order dated 31.12.2014 to the Sub post office Tewaripur as the post at Tewaripur was vacant. Thereafter, an advertisement was published to fill up the

vacancy at Tewaripur and one Mohd. Shadab was appointed as GDS BPM, Tewaripur on 30.06.2015. Consequently, the applicant was relieved from Tewaripur to her original place of posting at Sahijani Sub post office on the same day. Thereafter, Mohd. Shadab and the applicant made a request for mutual transfer. When the request was not given any response, the applicant filed O.A wherein the respondents were directed to decide the representation of the applicant of mutual transfer. In pursuance thereof, an order was passed on 04.01.2016 whereby request of mutual transfer was declined on the ground that there is no provision for mutual transfer of GDS employees and the transfer may take place only after three years. Thereafter, Mohd. Shadab joined as MTS and he was relieved from Tewaripur Sub post office on 16.06.2017. The applicant was allowed to look after additional charge of sub post office of Tewaripur also from the date when Mohd. Shadab was relieved.

4. It was contended that three years tenure of the applicant was completed on 17.12.2017 so she again represented CPMG, Lucknow on 28.12.2017 for the transfer to sub post office, Tewaripur. Her request was not considered. However, in the mean time, by the impugned order arrangement made for Tewaripur was withdrawn and she was again directed to take over the charge of original place of posting at Sahijani sub post office and at Tewaripur, a temporary arrangement has been made by appointing one Sri Anil Kumar Tiwari, GDS MTS of Sahijani.

5. Perusal of the impugned order reveals that it is not a transfer order. Applicant has been relieved from her additional charge of Tewaripur.

6. Request was made by the learned counsel for the applicant that her request for transfer after completion of tenure has not yet been considered which ought to have been considered by the competent authorities.

7. The ground on which transfer has been sought is mentioned in request of 28.12.2017 (Annexure A-12). It has also been contended by learned counsel for the applicant that the post at Tewaripur sub post

office is still lying vacant and temporary arrangement has been made by posting GDS MTS of Sahijani to look after the work.

8. Having considered the facts and circumstances of the case, this Tribunal without making any comment on the merit directs the CPMG, Lucknow to consider the representation of the applicant and decide the same within two weeks from the date of receipt of this order by passing a speaking and reasoned order under communication to the applicant.

9. CPMG, Lucknow till the disposal of request of applicant for transfer, if he thinks it proper may attach the applicant with Tewaripur sub post office.

10. With the above observations, the O.A is finally disposed of. There shall be no order as to costs.

(Justice V.C. Gupta)
Member (J)

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