

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/169/2021

**Reserved on: 25.03.2021
Pronounced on: 09.04.2021**



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

1. Md. Khaleel, S/o. Md. Gouse Miya,
Age 33 years, ABPM, D. Thirumalapur BO,
A/w. Peddakothapally SO,
2. Banavath Lalu, S/o. Banavath Lachya,
Age 40 years, GDS BPM, Alair BO,
A/w. Peddakothapally SO,
3. P. Praveen Kumar, S/o. P. Thirupathaiah,
Age 39 years, ABPM, Lingala SO,
4. P. Ravinder, S/o. P. Maruthi,
Age 46 years, ABPM, Kadthal SO

...Applicants

(By Advocate : Sri M. Venkanna)

Vs.

1. Union of India rep. by the Secretary,
Ministry of Communications & IT,
Department of Posts – India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
Telangana Circle, Dak Sadan, Abids,
Hyderabad – 500001.
3. The Postmaster General,
Hyderabad Region, Hyderabad – 500001.
4. The Superintendent of Post Offices,
Wanaparthi Division, Wanaparthi – 509103.

... Respondents

(By Advocate: Sri A. Praveen Kumar Yadav, Addl. CGSC)

ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

2. The OA is filed in regard to issue of notification by the respondents on 27.1.2021 without considering the request of the applicants for transfer as per prevalent guidelines.



3. Brief facts are that the applicants are working as Grameen Dak Sewaks (GDS) and they have sought transfer to different places as per the policy guidelines of the respondents organisation. Without calling for applications for transfers as envisaged in the guidelines, respondents issued the notification dated 27.1.2021. Aggrieved, the OA is filed.

4. The contentions of the applicants are that the guidelines dated 22.1.2020 in regard to filling up the vacancies by transfer have not been followed. The notification did not disclose the year of the vacancy, upper age limit mentioned was against the RRs, vacancies to be based on calendar year and not financial year, etc. Notification is riddled with many illegalities.

5. Heard both the counsel and perused the pleadings on record. Applicant counsel pressed for staying the open notification dated 27.1.2021 which was strongly opposed by the Learned Respondents counsel.

6. I. The grievance of the applicants is that the respondents have not called for applications from the Grameen Dak Sewaks for transfer as per the transfer guidelines dated 22.1.2020. Para 3 of the said guidelines under sub-head "Process of Transfer", as reproduced at para 4 (ii) of the OA, does specify that the applications for transfer have to be called for

during April/June of every year. Applicants claim that the respondents have not called for transfer applications and without doing so, notification was issued on 27.1.2021.



II. After hearing both the sides, we are the view that the respondents could have completed the process of calling for transfer applications from the GDS by giving 2 weeks time and on receipt of such applications, the transfer requests submitted could have been examined and decided as per extant rules and law, which would have given a clear picture as to the actual vacancies that would be available to be filled up by the notification issued. Otherwise, there would be a spate of litigation in regard to filling up the vacancies without giving opportunity to the existing GDS. They would be deprived of an opportunity to avail one time transfer to a place of choice in their entire career, as per the policy guidelines of respondents cited supra. Further, the applicants have pointed out some inconsistencies in regard to the upper age limit, year of vacancy, etc in the notification cited, which need to be examined by the respondents for any corrections if required, to avoid complications in the recruitment process as it proceeds further.

III. Hence, in the interest of the respondents organization, applicants and justice, we direct the respondents to call for transfer applications from the GDS in the entire Circle by giving wide publicity through respondents internal channels by giving 2 weeks time and on receipt of the same, they can decide the Transfer requests as per rules/law. Thereafter, notification dated 27.1.2021 be processed for filling up resultant vacancies. However, employment being a sensitive matter, respondents to

take steps to complete the recruitment through the notification in question as early as possible so that the vacancies are filled up for taking care of Organizational needs. Hence, instead of granting interim order to stay the notification dated 27.1.2021, we thought it fit to direct the respondents as at above, since it would lead to a win a win situation to all.



IV. With the above direction, the OA is disposed of, with no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/