

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH :: AT HYDERABAD**

OA/020/53/2022

**Reserved on: 16.12.2022
Pronounced on: 11.01.2023**

Hon'ble Mr. Sudhi Ranjan Mishra, Judicial Member



V. Raju, S/o. late V. Ramaiah,
Aged 32 years, GDS Packer,
Kothapeta TSO, Kurnool.

.....Applicant

(By Advocate: Mr. M. Venkanna)

Vs.

1. Union of India, Rep. by
Secretary, Government of India,
Ministry of Communication & IT,
Department of Posts – India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
Andhra Pradesh Circle,
Vijayawada.
3. The Superintendent of Post Offices,
Kurnool Division, Kurnool – 518 001.

....Respondents

(By Advocate: Mrs. K. Bharathi, Addl. CGSC)

**ORDER
(As per Mr. Sudhi Ranjan Mishra, Judicial Member)**

The applicant filed the OA aggrieved by the impugned order dt. 21.01.2022 whereby his request for transfer to the post of BPM, Padidempadu BO, a/w. Gargeyapuram SO under Rule 3 of Limited Transfer Liability Scheme has been rejected.

2. The facts of the case are that the applicant was appointed as GDS MC/DA at G. Pullareddy Engg. College SO on 29.06.2010 on



compassionate grounds on the demise of his father in harness and he has been discharging his duties since 07.07.2010. On his request, he was transferred to Kothapeta TSO against the post of GDS Packer on his request under Rule 3 of Limited Transfer facility scheme on medical grounds, vide Memo dt. 17.08.2020, where he assumed charge on 01.09.2020. While so, vacancy of GDS BPM arose at Padidempadu BO, a/w. Gargeyapuram SO and he made representation on 15.09.2021 seeking transfer to the said post. However, his request was not acceded to vide impugned Memo dt. 21.01.2022. Aggrieved by the same, the applicant filed the instant OA.

3. The contentions of the applicant are that having fulfilled the eligibility conditions, he sought transfer to Padidempadu BO. At the time when he made application on 15.09.2021, the post of GDS MP was carrying level 2 of TRCA of ABPM which is matching Level 1 of TRCA of GDSBPM, as per Sl. No. 4 of the table annexed to the OM dt. 15.07.2021 and as such, the above transfer is permissible under Rule 3. But, the said application was not acted upon within one month as contemplated in Sub Para II of Para 3 of the guidelines contained in the OM dt. 15.07.2021. The respondents reduced the TRCA of the GDS Packer at Kothapeta SO from level 2 to level 1 based on the work load statistics of the triennial review done in 2019 and the same was not taken into account nor informed to him when he joined the said post in 2020. As such, they cannot take away the right accrued to him by reducing the TRCA w.e.f. 01.11.2021, as communicated vide letter dt. 08.11.2021.

4. Respondents contested the OA by filing reply statement. They state that the applicant was engaged as GDSMD at GPRE College, TSO (Kurnool) on 12.07.2010 on compassionate grounds. He requested for transfer to Kothapeta TSO (Kurnool) on 23.05.2020 and the same was approved vide PMG, Kurnool Memo dt. 10.08.2020 and the Respondent No.3 Memo dt. 17.08.2020 and the applicant joined at new place on 01.09.2020. Thus, he utilized his 1st chance for transfer applicable. The TRCA Slab and level of Dak Sevak, Kothapeta TSO was reduced from TRCA Slab-2, Level-2 to TRCA Slab-1, Level-1 vide RO Kurnool Memo dt. 07.10.2021 and the same was communicated to all concerned on 08.11.2021. The downward revision of TRCA was done due to less workload for the post of GDS Packer, Kothapeta TSO. They admit that the applicant applied for transfer from the post of GDS Packer, Kothapet TSO to GDS BPM, Padidempadu BO, a/w. Gargeyapuram SO on 15.09.2021, but due to administrative reasons, all the transfer requests received from GDSs were processed in December 2021. They further submit that the post of GDSBPM, Padidempadu BO carries TRCA in Slab-2, Level-2, whereas the post of GDS Packer, Kothapeta TSO is in Slab-1, Level-1. Since the TRCA Slab and Levels did not match at the time of consideration of request transfer of the applicant, the same was not acceded to by the respondent No.3. They submit that Triennial Review of statistics of Kothapeta TSO for the year 2019-20 has been taken up during 03/2020 and the same was submitted to the office of PMG, Kurnool Region on 29.05.2020. The work load of the post of GDS Packer, Kothapet TSO recorded as 2 hours 48 minutes, whereas the TRCA drawn by the applicant was for 5 hours



workload. Hence, after approval of the statistics from the office of PMG, Kurnool, the TRCA of the applicant was reduced vide Memo dt. 08.11.2021 to Level-1. By the time the applicant's request for first transfer was processed in August 2020, the Triennial Review of Kothapeta SO was yet to be approved by the competent authority.



5. The respondents further submit that proposal for review of TRCA levels of GDS Packer, Kothapeta TSO was submitted to PMG, Kurnool on 29.05.2020 i.e. much before the receipt of application of the applicant for transfer and order on the same was received from Regional Office on 07.10.2021. As per para 3 (iii) of Postal Directorate guidelines issued vide letter dt. 17.11.2021, the Circles must process pending Rule-3 requests for Limited transfer before notification of vacancies (as on 31st December for Jan notification and as on 30th June for July notification). Since there was no pending application for transfer for the post of BPM, Padidempadu BO as on 31.12.2021, the said vacant post has been processed for recruitment through Online Notification, which would be released shortly. This Tribunal vide interim order dt. 02.02.2022 directed the respondents to maintain 'status quo' and the respondents have complied with the same.

6. Applicant filed rejoinder more or less reiterating the contentions raised in the OA.

7. Heard learned counsel appearing for both sides and perused the pleadings on record.

8. The short issue that arises for consideration is whether the impugned rejection of the request of the applicant for transfer from Kothapeta TSO to the post of BPM, Padidempadu BO on the ground that the TRCA Slab and Levels of both the posts are not matching is sustainable under law.



9. The facts of the case are not much in dispute. The applicant was engaged as GDS MD on compassionate grounds at GPRE College SO and he sought transfer from the said post to Kothapeta SO on 23.05.2020 and the same was approved and he joined the new post on 01.09.2020. On knowing that a vacancy arose at Padidempadu BO, he sought transfer to that post on 15.09.2021, but, according to the respondents, due to administrative delay, all such requests were processed in December 2021, though the Rule says that such requests are to be processed within one month. The request of the applicant for transfer was rejected on the ground that the TRCA Slab and Level of both the posts did not match. The respondents submit that Triennial Review of the statistics of Kothapeta SO for the year 2019-20 was done during 03/2020 and the same was submitted to the PMG office, Kurnool, which was approved on 07.10.2021 by the office of the PMG, Kurnool (Annexure R-1) and the same was communicated to all concerned on 08.11.2021. Thus, even assuming that the request of the applicant were to be considered within one month, as contended by him, i.e. by 15.10.2021 from the date of his request dt. 15.09.2021, it could not have been considered because by 07.10.2021 itself, orders were passed approving reduction of TRCA levels of GDS Packer, Kothapeta TSO.

10. The crux of the issue is that by the time the application of the applicant for request transfer was processed, the TRCA Slab and Level attached to the post of Kothapeta SO was reduced to Level-1 w.e.f. 01.11.2021 vide memo dt. 07.10.2021 and the same was circulated vide Memo dt. 08.11.2021 (Annexure R-3). Rule 3 transfer as postulated under OM dt. 15.07.2021 is subject to the circumstances enumerated thereunder.



When the conditions prescribed therein are not fulfilled, the request for transfer under Limited Transfer facility cannot be considered. Therefore, this Tribunal is of the view that there is no illegality in the impugned action of the respondents and the applicant is not entitled for the relief sought.

11. In view of the above, the OA is dismissed. Consequently, interim order shall stand vacated. There shall no order as to costs.

(SUDHI RANJAN MISHRA)
JUDICIAL MEMBER

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