

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/842/2017

HYDERABAD, this the 16th day of November, 2021

Hon'ble Mr. B.V. Sudhakar, Admn. Member



B. Siva Prasad, S/o. B.V. Subba Rao,
Aged about 43 Years,
Occupation: Gramin Dak Sevak Mail Carrier / Mail Deliverer,
Kandukur B.O. a/w P.T.M. Sub Office 517391
Chittoor Division.

...Applicant

(By Advocate :Mr. M.Venkanna)

Vs

1. Union of India, represented by
Secretary to the Govt. of India
Ministry of Communications & IT,
Department of Posts - India,
Dak Bhavan, Sansad Marg,
New Delhi – 110001.
- 2.The Chief Postmaster General,
A.P.Circle,
VIJAYAWADA.
- 3.The Director of Postal Services,
Kurnool Region,
% the Postmaster General,
Kurnool Region,
KURNOOL – 518002.
- 4.The Senior Superintendent of Post Offices,
Chittoor Division,
CHITTOOR 517001.

...Respondents

(By Advocate: Sri M. Venkataswamy, Addl. CGSC)

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

Through Video Conferencing:



2. The O.A. is filed in regard to transfer of the applicant, who is working as GDS Mail Carrier / Mail Deliverer (*for short – GDS MC/MD*), Kandukur BO to the post of GDS Branch Post Master, Kandukur BO on health grounds.

3. The brief facts of the case are that the applicant was appointed as GDS MC/MD on 3.2.1995 and he has put in 20 years of service. He has been suffering from lower back and knee pain. Doctors advised him not to ride a cycle. A Branch Postmaster vacancy arose at Kandukur BO on 31.12.2016 due to the retirement of the incumbent. Applicant represented for posting him against the said post but the same was rejected on 14.9.2017 without any reasons. Hence the OA.

4. The contention of the applicant is that he is a chronic patient and that the doctors advised him not to ride a bicycle. Applicant is the lone bread winner and, therefore, his transfer has to be considered on humane grounds.

5. The respondents in the reply statement confirmed that the applicant was appointed as GDS MC/MD on 3.2.1995. The Branch Postmaster post Kandukur arose on 1.1.2017. The applicant sought transfer for the said post. His request was rejected on 14.9.2017 because the transfer is within the same office and it is not a case of

extreme hardship. Further, to grant any transfer to a given post, the employee has to satisfy the eligibility criteria as well as the qualification. The transfer was sought on health grounds and that transfer is not a matter of right. Once the applicant's request has been rejected, it is open to the respondents to fill it up by other means. Transfer of officials is decided by the Head of the Circle.



6. Heard both the counsels and perused the pleadings on record.

7(I) The dispute is about transfer of the applicant from the post of GDS MC/MD to the post of GDS BPM. The applicant pleads that on health grounds he has sought the transfer. Learned counsel for the applicant submitted that the medical certificates given by the doctor demonstrate that the applicant cannot ride a bicycle. The critical responsibility of GDS MC/ MD is to deliver letters and exchange mail bags at exchange points sometimes located at far off places. In view of his medical condition of having knee problem, it needs to be appreciated that he will not be able to ride a bicycle. Medical certificates vouch for this fact. In such circumstances, applicant seeking transfer to GDS BPM post need to have been examined favourably. In fact, one of the transfer guidelines is to consider transfer on health grounds. The contention of the respondents that the transfer is within the same office and is not a case of extreme hardship would not stand to reason on the ground that the applicant is not able to ride a bicycle to discharge his duties. This reason is adequate enough to be termed as extreme hardship to render the services as GDS MC/ MD, where in the job chart prescribes covering long



distances to exchange mail and deliver mail on foot or by riding a bicycle. In the instant case because of the long distances involved the applicant has been compelled to use a bicycle. The applicant has to be therefore necessarily transferred to a stationary post like the vacant BPM post for which he has applied. The only difficulty in transferring the applicant to the said post is that the allowances of BPM and that of GDS MC/ MD would be different. However, learned counsel for the applicant submitted that the applicant is willing to submit an undertaking to work as BPM in the lower pay scale in view of his poor health condition. When the applicant has come forward to work for a lower salary, the respondents need not have any objection on the said ground. The respondents have also not stated anywhere in the reply statement about any adverse remarks in regard to the discharge of his duties over the last 22 years by the applicant. Limited transfer facility has been provided to GDSs on two occasions in their entire career in order to enable them to work in their native place or places which are nearer to their base villages. The transfer facility is a welfare measure which has been introduced by the department and the annual progress reports of the department does indicate that GDS work force is the back bone in maintaining the postal services in rural areas and it is this cadre which is enabling the department to survive the competition and earn substantial revenue by harnessing the rural courier market. Considering the services rendered by the GDSs, there should be a soft corner for the said cadre when their transfers are to be considered. In the instant case, it is evident that the applicant is



suffering from knee problems and the medical certificates have been submitted by the applicant confirming the same. Grameen Dak Sewak Transfer guidelines specifically permit transfer on health grounds. The applicant has also not come up for any adverse notice and, therefore, in such circumstances, conceding to the request of the applicant would not only help the applicant but also the respondents organization so that he can heart fully perform the job.

(II) Keeping the above in view the respondents can consider transferring the applicant as GDS BPM Kandukur after taking an undertaking from him that he is willing to work with the lower allowance of GDS MC/MD and his future salary would be regulated accordingly as per relevant rules. This decision would be a win-win situation for both the respondents as well as the applicant.

(III) In view of the above, the respondents are directed to consider the transfer of the applicant from GDS MC/MD, Kandukur BO to the post of BPM, Kandukur BO within a period of three months from the date of receipt of a copy of this order. The Tribunal makes it clear that the transfer in question has been directed to be considered in view of the peculiar facts and circumstances of the case and it shall not be construed as a precedent to be cited for other cases.

With the above direction, the O.A. is allowed with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

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