

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4050 of 2017

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Meena Devi, W/o Sri Suresh Prasad Yadav, resident of Village & P.O.- Majhaura,
Via- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The Union of India, through the Director General cum Secretary, Government of India, Ministry of Communications & IT, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Post Master General, Northern Region, Muzaffarpur.
4. The Superintendent of Post Offices, Sitamarhi Division, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan
Advocate

Mr. Jayant Kumar Karan
Advocate

Mr. Sujeet Karan
Advocate

For the Respondent/s : Mr. S. D. Sanjay (Addl. S.G.)
Mr. Satyavrat Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-05-2017

O.A. Application, which was numbered as OA/050/750/2015, filed by the petitioner, was dismissed on 30th of November, 2016. O.A. was filed, when the Chief Post Master General, Bihar Circle, Patna rejected the claim for one time transfer of the petitioner on the post of GDSBPM to Malahi Branch Post Office in the district of Sitamarhi.

On 17.07.2006, the Postal Department issued a circular,



allowing limited transfer facility to Gramin Dak Sevaks as a one time measure in the entire career. Prior to the said circular, which is Annexure – P/2 to the writ application, there was no concept of transfer. However, the grounds, on which such transfer could be entertained or allowed, are rather strict and rigorous. The reasons and the grounds on which such transfer could be entertained is as under:

“I. A GDS who is posted at a distant place on redeployment in the event of abolition of the post.

II. GDS appointed on compassionate grounds and posted at distant place.

III. Woman GDS on her marriage / remarriage.

IV. Where the GDS himself / herself suffers from extreme hardship due to a disease and for medical attention / treatment, such transfer may be allowed on production of a valid medical certificate from the medical officer of a Government hospital.

V. Where the GDS is looking after the welfare of a physically handicapped / mentally handicapped person / dependant and he / she requires to move to different places to give support to such physically / mentally challenged person / dependant.”

The petitioner, a lady, made an application for her transfer, because she claimed that she was suffering from serious illness and had an aged mother-in-law to take care. She is about 28-29 kms from her village and if her request for transfer was entertained, the distance would be reduced to 4-5 kms. In support of the illness etc., she produced certain evidences. The same was



considered by the Chief Post Master General and rejected, because the authorities did not find the evidence and material, relating to illness, to come under extreme hardship category.

Even this Court has gone through some of the materials and prescriptions, including pathological reports, which had been annexed by the petitioner to show her illness. The certifications indicate that she is suffering from Diabetes and Osteoarthritis. This certification has also been obtained from a private doctor. Similar is the position with regard to the other prescriptions. The Chief Post Master General office did not find such materials and prescriptions to be authentic in nature, especially when no other supporting evidence was produced, which could lend credence and bona fide to the medical advice and certificate about illness.

Diabetes, Hypertension or Osteoarthritis, in the opinion of this Court, does not really fall within the category of cases of extreme hardship, unless such problems have reached a critical stage, which does not seem to be so from reading of the medical advice and prescriptions, since routine kind of medication has been advised by the doctors. In a country where Diabetes and Hypertension is fast becoming one of the biggest lifestyle diseases, these diseases cannot form the basis and be used as justification for transfer, to which the petitioner was looking for, especially under clause (iv) or (v) of the grounds quoted above.

The Tribunal has not committed any error of law by



refusing to interfere with the order of rejection passed by the Chief
Post Master General, Bihar Circle, Patna.

The appeal, therefore, has no merit and it is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

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Uploading Date	05.05.2017
Transmission Date	

