

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.439/2000

Wednesday this the 26th day of April, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

A. Nehamiah,  
Extra Departmental Mail Carrier,  
Kottackal Branch Post Office,  
Perumkadavila,  
Neyyattinkara.

...Applicant

(By Advocate Mr. Thomas Mathew)

vs.

1. Sub Divisional Inspector of Post  
Offices, Neyyattinkara.
2. Chief Post Master General,  
Kerala Circle,  
Thiruvananthapuram.
3. Union of India, represented  
by its Secretary,  
Department of Posts,  
New Delhi.

...Respondents

(By Advocate Mr. S.K. Balachandran)

The application having been heard on 26.4.2000, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is presently working as Extra  
Departmental Mail Carrier, Kottackal Branch Post Office  
applied for a transfer and appointment as Extra  
Departmental Delivery Agent, Kundla Post Office in the  
same sub division. His request was turned down by  
Annexures.A3 and A5 orders on the ground that ED Agents  
are not eligible for transfer. The respondents have taken  
steps for filling up the vacancy by issuing A8  
notification. Therefore, the applicant has filed this


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application challenging Annexures.A3, A5 and A8 for a declaration that the applicant is entitled to be considered for appointment to the post of Extra Departmental Delivery Agent, Kundla Post Office by transfer in terms of Annexure.A7 letter of D.G.Posts dated 12.9.88 and for a direction to the first respondent to consider the applicant's claim for appointment to the post of EDDA, Kundla P.O. by transfer along with other working E.D.Agents if any, who have similarly applied for such transfer.

2. When the application came up for hearing, Shri S.K.Balachandran, learned standing counsel appearing for the respondents states that in view of the ruling of the Tribunal in O.A.45/98 the impugned orders cannot stand and that the prayers of the applicant in the O.A. may be granted.

3. In the light of the submission of the learned counsel for the respondents, the application is allowed. The impugned orders A3, A5 and A8 are set aside. Respondents are directed to consider the request of the applicant for transfer as EDDA, Kundla P.O. alongwith other application, if any, of the working E.D.Agents who might have applied and only if the applicant or any other working E.D.Agent who have applied for transfer as EDDA, Kundla PO is found unsuitable or ineligible for transfer, recruitment from open market should be resorted to. There is no order as to costs.

Dated the 26th day of April, 2000

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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List of Annexures referred to:

Annexure.A3: True copy of order No.EDMC/Kottackal dated 27.3.2000 issued by the first respondent.

Annexure.A5: True copy of order No.EDMC/Kottackal dated 10.4.2000 issued by the first respondent.

Annexure.A7: True extract from DG Posts, letter No.43-27/85 Pen (EDC&Trg.) dated 12.9.88.

Annexure.A8: True copy of notification No.EDA/Kundla dated 3.4.2000 issued by the first respondent.

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