

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No.453 of 1995

Wednesday, this the 24th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

N.C. Unnikrishnan,  
Extra Departmental Messenger,  
Kattoor, Trissur.

.. Applicant

By Advocate Mr O.V. Radhakrishnan.

Vs

Assistant Superintendent of Post Offices,  
Irinjalakuda Sub Division,  
Irinjalakuda -680 121.

.. Respondent

By Advocate Mr K.S. Bahuleyan for Senior C.G.S.C.

The application having been heard on 24th July 1996,  
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a direction to respondents to consider him for transfer and appointment to the post of Extra Departmental Delivery Agent, Ponjanam in accordance with A-3 instructions of the Department. He submits that he has put in long years of service as Extra Departmental Letter Box Peon, Messenger and Agent and that his request deserves to be granted for that reason.

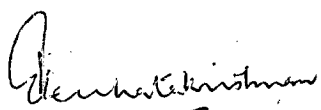
2. In answer, Standing counsel would submit that transfer is granted on the basis of seniority when there are more persons than one making requests. On that principle, it is said that one Mohamed has been preferred

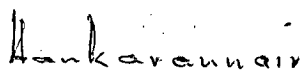
to applicant. Faced with this hurdle applicant came up with an ingenious argument, that this is really not a transfer but an appointment and that in an appointment he earns preference by reason of his community status, as a member of a Scheduled Caste. Applicant may raise his contentions before an authority above respondents.

3. Standing counsel submits that the appropriate authority to consider such matters will be the Post Master General, Cochin and that the Post Master General, Cochin will consider the representation on merits, if one is made and pass appropriate orders thereon within two months of the date of receipt of the representation.

4. We record the submission and dispose of the application without expressing any opinion on the merits. No costs.

Dated the 24th July, 1996.

  
P V VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

List of Annexure

Annexure A3:- True copy of the Directorate letter  
No.19-21/94 ED & Trg dated 11-8-94  
communicated under Postmaster General,  
Kochi letter No.ST/1-28/82(R1g) dated  
22-9-94.