

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.478/2000

Tuesday this the 4th day of July, 2000

CORAM

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

C.N.Gopalakrishnan Nair  
S/o Narayanan Nair  
aged 56 years, EDDA  
Prakkanam PO, Pathanamthitta  
residing at Chittekathu House,  
Prakkanam PO, Via.Elanthoor.

...Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. Union of India represented by the  
Secretary to the Government of India,  
Department of Posts,  
New Delhi.
2. The Superintendent of Post Offices,  
Pathanamthitta Division,  
Pathanamthitta PO.

...Respondents

(By Advocate Mr. A.Sathianathan, ACGSC)

The application having been heard on 7.4.2000, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant Shri Gopalakrishnan Nair working as  
Extra Departmental Delivery Agent (EDDA for short)  
Prakkanam Post office applied for transfer and appointment  
to the post of Extra Departmental Sub Post Master (EDSPM  
for short) Prakkanam. Finding that the respondents are  
not prepared to consider his case for appointment by  
transfer, the applicant has filed this application for a  
declaration that he is entitled to be considered for  
appointment as EDSPM, Prakkanam in preference to open  
market candidates and for a direction to the respondents  
to consider him for such transfer.

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2. Learned counsel appearing for the respondents under instructions from the respondents states that the post of EDSPM, Prakkanam would be falling vacant on 6.8.2000, that steps have been initiated by second respondent for filling up the vacancy by placing a notification before the Employment Exchange, that the Employment Exchange has sponsored ten candidates, that pursuant to open notification 23 other candidates have been applied and five other persons than the applicant who are working ED Agents have applied for appointment by transfer and that as the working ED Agents can be considered only along with the candidates who have responded to notification and sponsored by the Employment Exchange, the claim of the applicant for appointment by transfer cannot be sustained.

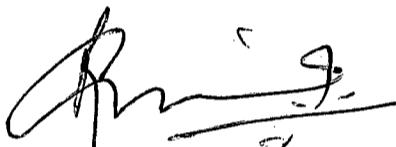
3. We have heard the learned counsel for the parties. In an earlier application of the same nature OA. 45/98 this Bench of the Tribunal has considered the question whether a working ED Agent, if he satisfies the eligibility criteria and is suitable to be appointed to another ED Post falling vacant in the same station can be appointed by transfer without being put to a selection along with persons from open market. It has been held on interpretation of the instructions of the Director General (Posts) that a working ED Agent can be appointed on another ED Post falling vacant in the same station if he is eligible, qualified and suitable for that post without being subjected to a selection process along with outsiders. We have no reason to deviate from our views on that case.

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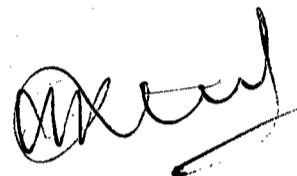
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4. In the result, the application is disposed of directing the first respondent to consider the appointment of the applicant by transfer to the post of EDSPM, Prakkanam along with other working ED Agents who have similarly applied for such a transfer. We further make it clear that only if the applicant or other working E.D. Agents who have applied for transfer are found unsuitable or ineligible for such transfer, only recruitment from open market namely the candidates sponsored by Employment Exchange and the candidates applied direct, should be resorted to. There is no order as to costs.

Dated the 4th day of July, 2000



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

S.