

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH.

O.A. No.487 of 2000.

Wednesday this the 26th day of July 2000.

CORAM:

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

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Bhaskara K,  
Extra Departmental Branch Post Master,  
Badaje, residing at:  
Pranam Mandir, Near Siva Temple,  
Pernadka Road,  
P.O. Ramdas Nagar, Kasargod. Applicant  
(By Advocate Shri O.V. Radhakrishnan).

Vs.

1. Superintendent of Post Offices,  
Kasaragode Postal Division,  
Kasaragode, PIN: 671 121.
2. Union of India, represented by  
its Secretary,  
Ministry of Communications,  
New Delhi. Respondents

(By Advocate Shri K.R. Rajkumar, ACGSC)


(The application having been heard on 26th July 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 working as Extra Departmental Branch Post Master (EDBPM for short), Badaje B.O. applied for transfer to the post of EDBPM Madhur B.O. in the same division. The request was turned down by the impugned order A-3 dated 31.3.2000 on the ground that there is no provision for transfer of ED Agent from one post to another. The applicant has, therefore, filed this application for a declaration that as a working EDBPM, Badaje B.O., he is entitled to be appointed by transfer as EDBPM Madhur B.O. in preference to outsiders in terms of the judgement of the

...2/-



Tribunal in O.A. 45/98 decided on 25.2.1999 setting aside A3 and directing the respondents to consider the case of the applicant for such transfer.

2. Respondents in their reply statement contend that there is no provision for transfer of a working ED Agent from one post to another. They also contend that the Tribunal in O.A. 813/99 held that transfer can be made only against a post in the same place and therefore, the applicant who has not sought transfer in the same place, is not entitled to get a transfer. Respondents have raised a further contention that apart from the applicant, another EDBPM senior to him has also applied for transfer and therefore, the applicant cannot be considered.

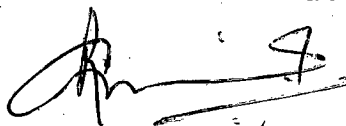
3. The contention that there is no provision for transfer of working ED Agent does not stand in view of the ruling of this Bench of the Tribunal in O.A. 45/98 wherein it has been held that a working ED Agent if he is satisfied the eligibility criteria is entitled to be appointed by transfer on another post falling vacant in the same place or in the same station, without being sponsored by the Employment Exchange and without a competition with outsiders. The decision in O.A. 813/99 was rendered as the instruction contained in the letter dated 28.8.96 stating that the ED Agents seeking transfer to the post of EDBPM/EDSPM within the same division can be considered for transfer, was not brought

....3/-

to the notice of this Bench. Therefore, that order cannot be treated as a precedent. The further contention of the respondents that the applicant cannot be considered for transfer as a person who is senior to him had applied also has no merit. Respondents have to consider the applicant as also similar ED Agents who might have applied for transfer:

4. In the light of what is stated above, the impugned order A-3 is set aside, and we dispose of this application directing the respondents to consider the request of the applicant for transfer to the post of EDBPM Madhur B.O. along with similar requests made by other working ED Agents for transfer. We also direct that, only if the applicant or others similarly situated and have applied for transfer are found unsuitable, recruitment from outsiders should be resorted to. No costs.

Dated 26th July 2000.

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

rv

Annexure A-3: True copy of the Order No. B3/MISC/III dated 31.3.2000 of the 1st respondent.

rv