

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.538/99

Wednesday, this the 15th day of November, 2000.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.Gopalakrishnan,
ED Messenger-cum-EDMC,
Karthikappally Post Office,
Karthikappally.

- Applicant

By Advocate Mr S Jayakrishnan

Vs

1. The Post Master General,
Central Region,
C/o the PMG, Kochi.
2. The Superintendent of Post Offices,
Mavelikkara Division,
Mavelikkara.
3. Sub Divisional Inspector,
Kayamkulam Sub Division,
Kayamkulam.
4. J.Vijayalakshmi Amma,
W/o Muraleedhara Kaimal,
ED Packer,
Manchathappilly,
Kizhakkethil,
Kanvatta North.P.O.
Haripad.

- Respondents

By Advocate Ms I Sheela Devi, ACGSC(for R.1 to 3)

By Advocate Mr MR Rajendran Nair(for R-4)

The application having been heard on 15.11.2000, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, working as Extra Departmental Messenger cum-EDMC, Karthikappally Post Office, made a request for

appointment by transfer to the post of ED Stamp Vendor in the same place. Finding that the request of the applicant is not being considered favourably on the basis of the clarificatory instructions issued by the PMG on 16.10.97 (A-2), the applicant has filed this application for setting aside A-2, for a declaration that the applicant as a working ED Agent in the same office is eligible to be transferred as ED Stamp Vendor in Karthikappally Post Office and for a direction to the respondents to consider the request of the applicant.

2. As the 4th respondent had also sought a transfer to the said post and in view of the interim order in this case, the post was not filled up, he got impleaded as additional respondent No.4.

3. The official respondents have filed a reply statement resisting the claim of the applicant stating that an ED Agent is not normally entitled to get a transfer to another ED post.

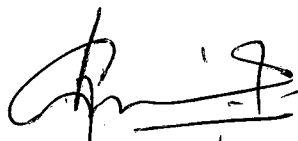
4. We have heard the learned counsel on either side. This Tribunal has considered the question whether a working ED Agent if he is eligible and qualified to be appointed to another ED post falling vacant in the same office or in the same place is entitled to be appointed without being subjected to a selection with outsiders and it was held in O.A.45/98 that a working ED Agent, if eligible and suitable, can be appointed by transfer to another ED post if he prefers to work


✓

against that post without being subjected to a selection with outsiders. The impugned order in this case was also set aside. We do not find any reason to deviate from this view which holds the field now.

5. In the result, following the ruling of this Tribunal in O.A.45/98, we allow this application and declare that the applicant is entitled to be considered for appointment by transfer as ED Stamp Vendor, Karthikappally Post Office. We direct the respondents to consider the request of the applicant for appointment by transfer to the post of ED Stamp Vendor, Karthikappally Post Office along with the requests of any other working ED Agents who have similarly applied for such transfer including that of the 4th respondent and that only if the applicant or other working ED Agents are not found eligible and suitable, recruitment from open market should be resorted to. No costs.

Dated, the 15th November, 2000.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

trs

LIST OF ANNEXURE REFERRED TO IN THE ORDER:

A-2 : True copy of the letter No.CC/2-85/96 dated 16.10.97 issued by the 1st respondent.