

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA 57/2000

Wednesay the 29th day of March, 2000.

CORAM

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

Thulasidas B.  
Extra Departmental Mail Carrier  
Ayravon P.O.  
Konny, Pathanamthitta.

Applicant.

By advocate Mr P.C.Sebastian

Versus

1. The Assistant Supdt. of Post Offices  
Pathanamthitta Sub Division  
Pathanamthitta.
2. The Director General of Posts  
Department of Posts  
Dak Bhavan, New Delhi.
3. The Union of India  
represented by Secretary  
Ministry of Communications  
Department of Posts  
New Delhi.

Respondents


By advocate Ms. S.Chithra, ACGSC

The application having been heard on 29th March, 2000,  
the Tribunal on the same day delivered the following:

O R D E R

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

Applicant who is presently working as Extra Departmental Mail Carrier, Ayravon P.O. is aggrieved that when a post of Extra Departmental Delivery Agent at Oonnukal P.O. fell vacant, the respondents refused to consider his request for transfer but instead they are resorting to open market recruitment by issuing notification. The applicant has, therefore, filed this application seeking to have A-1 set aside, for a declaration that he is entitled to be considered for a transfer to the existing vacancy of EDDA, Oonnukal P.O. in terms of A-4 instructions issued by the Director General of Post dated 12th September, 1988.



2. Respondents in the reply statement have stated that as an ED Agent is not generally entitled to transfer, the claim of the applicant cannot be entertained. They have also referred to an order of the Director General (Post) dated 1-7-97 which is annexed with the reply statement. The letter dated 1-7-97 is not an order but only a letter addressed to the Chief Postmaster General from the Directorate. It not being even an executive order, no probating value can be attached to it. However, in the reply statement, the respondents have indicated that the respondents are prepared to consider the applicant's claim for transfer along with other working ED Agents in view of the decision of this Tribunal in OA No.45 of 1998.

3. Taking note of the statement of the respondents that the respondents would consider the claim of the applicant for transfer alongwith other working ED Agents, we dispose of the application directing that the first respondent should consider the claim of the applicant alongwith other working ED Agents for transfer and appointment as EDDA, Oonnukal Post Office before resorting to appointment through open market selection.

Application is disposed of as above.

Dated 29th March, 2000.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

Annexures referred to in this order:

A-1: True copy of the notification dated 25.11.99 issued by the first respondent.

A-4: True extract of letter No.43-27/85-Pen (EDC&Trg) dated 12.9.88 issued by the 2nd respondent.

aa.