

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 562 of 2000

Monday, this the 17th day of July, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER  
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P. Gopinatha Pillai,  
Extra Departmental Mail Carrier,  
Uriakode PO, Vellanad,  
Trivandrum District. ....Applicant

By Advocate Mr. Thomas Mathew

**Versus**

1. Sub Divisional Inspector of Post Offices,  
Nedumangad.
2. Superintendent of Post Offices,  
Trivandrum South Division,  
Trivandrum-14
3. Chief Postmaster General,  
Kerala Circle, Trivandrum.
4. Union of India, represented by its  
Secretary, Department of Posts,  
New Delhi. ....Respondents

By Advocate Mr. R. Madanan Pillai, ACGSC

The application having been heard on 17th July, 2000,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A4, to declare that he is entitled to be considered for appointment to the post of Extra Departmental Delivery Agent, Veliyannur by transfer and to direct the 1st respondent to consider his claim for appointment to the post of EDDA, Veliyannur by transfer in preference to candidates from open market.

..2..

2. The applicant is working as Extra Departmental Mail Carrier, Uriakode. He came to understand that the post of Extra Departmental Delivery Agent (EDDA for short), Veliyannur Branch Post Office has become vacant since the third week of February, 2000. He has passed SSLC examination. He submitted a request to the 1st respondent for appointment by transfer as EDDA, Veliyannur as per A2, but there was no response. He therefore submitted A3 representation to the 2nd respondent. As per A4, the impugned order, his representation has been rejected by the 2nd respondent. The rejection of his request for transfer is illegal.

3. Respondents contend that as per the departmental rules, only in case of abolition of ED posts etc., working ED Agents will become entitled to be transferred to any other post. In this case the said vacant post is now earmarked for accommodating another ED Agent namely EDMC, Parappara Branch Post Office. The reason is that the mail route in which the said EDMC, Parappara is now conveying mails is proposed to be mechanized shortly and on implementation of the proposal the said ED Agent will become surplus and as per the departmental rules he has to be immediately given alternative appointment in another ED post for which he is suitable.

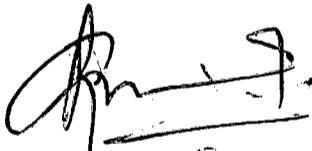
4. Though the respondents say that the post vacant now is earmarked for accommodating another ED Agent namely EDMC, Parappara Branch Post Office, apart from a mere averment in the reply statement, there is absolutely no material in support of the same.

5. The impugned order A4 does not contain anything except that there is no departmental provision for granting the request of transfer sought by the applicant. The ground stated that there is no provision for granting the request of the applicant cannot be sustained, especially in the light of the order of this Bench of the Tribunal in OA No. 45/98.

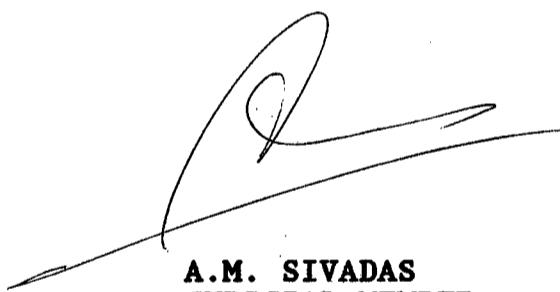
6. Accordingly, A4 is quashed. It is declared that the applicant is entitled to be considered for appointment to the post of EDDA, Veliyannur by transfer. The 1st respondent is directed to consider the claim of the applicant for appointment to the post of EDDA, Veliyannur by transfer along with other ED Agents, if applied, in preference to outsiders.

7. The Original Application is disposed of as above. No costs.

Monday, this the 17th day of July, 2000



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.M. SIVADAS  
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. A2 True copy of the applicant's request dated 24-4-2000 submitted to the 1st respondent.
2. A3 True copy of the representation dated 16-5-2000 submitted to the 2nd respondent by the applicant.
3. A4 True copy of Order No. BIC/Ndd/SDN dated 22-5-2000 issued by the 2nd respondent.