

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 588 of 1991  
T. A. No.

DATE OF DECISION 19-4-1991

R Sukumaran Nair Applicant (s)

Mr Babu Cherukara Advocate for the Applicant (s)

Versus

Union of India & 4 others Respondent (s)

Mr A Abul Hassan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

AV Haridasan, Judicial Member

The applicant, Shri R Sukumaran Nair has been working as Extra Departmental Delivery Agent at Moozhiyar ever since 1979. Moozhiyar is a very remote place in midst of dense forest where population consists of only persons employed in electrical project. Now as the applicant is married with a family including old parents to be looked after, he is very badly in need of a posting nearer <sup>home</sup>. As transfer of Extra Departmental Agents in Postal Department is not generally allowed, the applicant made a representation to the third respondent (Superintendent of Post Offices, Mavelikkara) on 28.1.1991 requesting that while filling up the post of EDDA at Puthenchantha Branch Post Office and Kaduvinal Post Office, his case may be considered for

transfer to either of these offices so that he could be nearer to his old parents and family. His residence is very close to Kaduvinal Post Office. Seeing that this representation did not receive any response and seeing that the post of EDDA, Puthenchantha was filled up by appointment of 5th respondent, the applicant has filed this application praying that it may be declared that the applicant is entitled to be transferred to any of the Post Offices nearer ~~to~~ his residence at Vallikunnam and that the appointment of the 5th respondent as EDDA, Puthenchantha Post Office is improper and also for a direction to respondents 1 to 4 to appoint the applicant as EDDA at Puthenchantha.

2. When the application came up Shri A Abul Hassan, the learned Additional Central Government Standing Counsel took notice and opposed the admission of this case. The learned counsel submitted that the Moozhiyar Post Office where the applicant is now working as EDDA is more than 100 KMs away from the <sup>two</sup> post offices mentioned in the application and that as the Moozhiyar Post Office is not within the area of Mavelikkara Postal Division, a transfer of the applicant to any post office in Mavelikkara Division is impossible as it is not provided for in the Rules.

3. Having gone through the application and rules on the subject, we are of the opinion that there is strength in this objection raised by Shri Abul Hassan. But anyway, Shri Abul Hassan fairly agreed that the application could be admitted and

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disposed of directing the respondents to consider the candidature of the applicant for the post of EDDA, Kaduvinal as and when the department initiates recruitment action for regular appointment to be made to the post along with other candidates. In view of the above submissions, we admit the application and dispose of the same with the following directions:

- i) The applicant may make a representation to the 3rd respondent offering himself as a candidate to the post of EDDA, Kaduvinal within a week from the date of communication of this order, and
- ii) The third respondent is directed to forward the application to the Sub Divisional Inspector concerned with a direction to consider the applicant also along with other candidates for regular appointment to the post of EDDA, Kaduvinal in accordance with law, even though the applicant's name is not sponsored by the Employment Exchange.

There is no order as to costs.

  
( AV HARIDASAN )  
JUDICIAL MEMBER

  
( SP MUKERJI )  
VICE CHAIRMAN

22-4-1991

trs