

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.594/2000

Monday this the 5th day of June, 2000.

CORAM:

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

HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

N.Reghunathan Nair,
S/o K.Narayana Pillai,
Extra Departmental Mail Carrier,
Mulloor.P.O.
Vizhinjam,
Thiruvananthapuram.

- Applicant

By Advocate Mr G Sasidharan,Chempazhanthiyil

Vs

1. Sub Divisional Inspector of Post Offices,
Neyyattinkara.

2. Superintendent of Post Offices,
Thiruvananthapuram South Division,
Thiruvananthapuram-14.

3. Director General,
Postal Department,
New Delhi.

4. Union of India rep. by its
Secretary,
Ministry of Communications,
New Delhi.

- Respondents

By Advocate Mr George Joseph, ACGSC

The application having been heard on 5.6.2000, 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 Mail Carrier, Mulloor from 7.8.95, applied for transfer as

Extra Departmental Delivery Agent, Kandla under the Sub Divisional Inspector of Post Offices, Neyyattinkara. His request was turned down by the impugned order A-2 dated 7.4.2000 wherein it has been stated that the applicant's transfer from one post to another or from one place to another cannot be entertained as the extant rules did not permit so. Aggrieved by this, the applicant has filed this application. It has been alleged in the application that the clarification contained in the letter of DG, Posts dated 11.2.97 shows that an ED Agent can be transferred from one recruiting unit to another and that the rejection of the applicant's request is unsustainable.

2. We have heard the learned counsel for the applicant and Shri George Joseph, ACGSC for respondents. Shri George Joseph argued that the applicant who is working as EDMC under the Sub Divisional Inspector, Vizhinjam has no right to get a transfer under a different Sub Divisional Inspector i.e. Sub Divisional Inspector, Neyyattinkara which is a different recruiting unit.

3. We find considerable force in the argument of the learned Additional Central Government Standing Counsel, generally, ED Agents will not be transferred freely. Transfers are permitted only under special circumstances. It was in DG, Post's letter dated 12.9.88 that it was stated that when ED post falls vacant, if an ED Agent working in the same office or in the same post seeks appointment on that post,

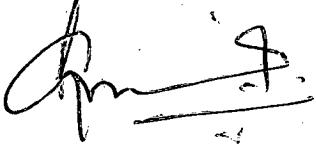
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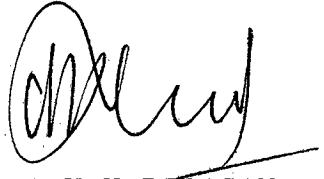
such working ED Agent can be appointed on the post by transfer without being sponsored by Employment Exchange. Further clarification has been issued as to what is meant by "same station" according to which same station means, same recruitment unit. Recruitment unit for EDMC and EDDA is Sub Division. Therefore, according to the basic order permitting transfer of ED Agents from one post to another contained in the DG's letter dated 12.9.88, transfer is permissible only within the recruiting unit. The applicant who is working in Vizhinjam Sub Division, therefore, has no right to claim appointment by transfer as EDDA, Kandla which is in Neyyattinkara Sub Division. The clarification contained in the letter of DG, Posts dated 11.2.97(A-5) does not say that an ED Agent can seek appointment by transfer to another post of EDDA in another Sub Division which is a separate recruitment unit.

4. In the light of what is stated above, the applicant has no legitimate cause of action. The application is dismissed in limine.

Dated, the 5th of June, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARTDASAN
VICE CHAIRMAN

trs

LIST OF ANNEXURE REFERRED TO IN THE ORDER:

A-2: True copy of Ltr.No.BIC/TAM(E)/SDN dated 7.4.2000 sent by the 2nd respondent to the applicant.

A-5: True copy of letter of DG post No.19-51/96-ED & Trg. dt. 11.2.97.