

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 61 OF 2000.

Wednesday this the 23rd day of February 2000.

CORAM:

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

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

S. Minimol,
Extra Departmental Branch Postmaster,
Govindamuttom P.O.,
Mavelikara.
(By Advocate Shri P.C. Sebastian)

Applicant

Vs.

1. The Superintendent of Post Offices,
Mavelikara Division,
Mavelikara.

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 Shri N. Anil Kumar, ACGSC)

The application having been heard on 23rd February 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 presently working as Extra Departmental Branch Post Master (EDBPM for short), Govindamuttom P.O. applied for appointment by transfer as Extra Departmental Sub Post Master (EDSPM for short), Karipuzha P.O. under the same division. The applicant was informed by impugned order A1 dated 5.1.2000 that according to the existing rules there is no provision to transfer an ED Agent from one post to another. The respondents also issued A-3 notification dated 22.12.99, inviting applications from eligible candidates for selection and appointment to the post.

of EDSPM, Karipuzha. Finding that the applicant has not been considered for appointment by transfer, the applicant has filed this application to set aside the impugned orders A1 and A3 and to direct the respondents to consider the applicant's request for transfer as EDSPM, Karipuzha within a time limit.

2. Respondents in their reply statement contended that the instructions regarding transfer of an ED Agent is applicable only in the case of ED Agents who have been rendered surplus and that working ED Agents are not entitled for transfer to another ED post. This Tribunal had an occasion to consider the question whether the working ED Agents who satisfy the eligibility criteria for appointment by transfer to another ED post in the same place or under the same division are eligible for such transfer and has held that an ED Agent who is working on an ED post is entitled to be considered for appointment by transfer to another ED post falling vacant in the same place or in the same station, if they satisfy the eligibility criteria, and that the clarifications to the contrary are invalid.

3. In the result, following the above ruling in OA 45/98, we allow this application, set aside the impugned orders A1 and A3 and direct the respondents to consider the request made by the applicant for appointment by transfer as EDSPM, Karipuzha alongwith other ED Agents, if any, who have similarly applied for transfer alongwith the applicant, *or any other working ED Agent*

4. Only if the applicant is found ineligible for appointment, the respondents are at liberty to take recourse to recruitment to the post from open market. No costs.

Dated the 23rd February 2000.

JL Negi
J.L. NEGI
ADMINISTRATIVE MEMBER

A.V. Haridasan
A.V. HARIKADASAN
VICE CHAIRMAN

rv.

List of Annexures referred to in the order:

Annexure A1: True copy of letter No.B2/TFR/EDAs dated 5.1.2000 issued by the Ist respondent.

Annexure A3: True extract of News item of Mathrubhumi daily dated 22.12.1999 containing the notification issued by Ist respondent for the post of EDSPM, Karipuzha.