

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 610 of 2002

Monday, this the 11th day of November, 2002.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. P. Usha,
D/o Sri Chindan,
Gramin Dak Sevak Branch Post Master,
Nhekly, Payyannur, Kannur Divn.
Residing at Podikkalathil House,
Kuppol, Peringome PO, Payyannur,
Kannur - 670 354Applicant

[By Advocate Mr. O.V. Radhakrishnan]

Versus.

1. Superintendent of Post Offices,
Kannur Division, Kannur - 670 001
2. Superintendent of Post Offices,
Thiruvananthapuram South Division,
Thiruvananthapuram.
3. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram-33
4. Director General of Posts,
Department of Posts, Dak Bhavan, New Delhi.
5. Union of India, represented by its
Secretary, Ministry of Communication,
New Delhi.Respondents

[By Advocate Mr. R. Madanan Pillai, ACGSC]

The application having been heard on 11-11-2002, 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 had been working as Extra
Departmental Branch Postmaster (EDBPM for short), Nhekli Branch
Office with effect from 30-10-1991 made a request to the Chief
Postmaster General, Kerala, the 3rd respondent, on 24-7-2002
for appointment by transfer to the post of Gramin Dak Sevak
Branch Postmaster (GDSBPM for short), Chayikkottukonam Branch

Office, Trivandrum. Her grievance is that although she made such a request, without considering the same steps have been taken by the 2nd respondent to fill up that post by issuing a notification calling for applications from open market on 19-8-2002 (Annexure A3), although the date is shown as 19-7-2002. Alleging that transfer of ED Agents outside the recruitment unit is also permissible in terms of the instructions issued by the DG (Posts) and clarification issued by the 3rd respondent himself and that this Bench of the Tribunal has also in OA No.1057/99 held that transfer of ED Agents outside the recruitment unit is permissible, the respondents are bound to consider the applicant for transfer before resorting to direct recruitment, the applicant has filed this Original Application impugning Annexure A3 notification and for a declaration that the applicant is eligible and entitled to be transferred and appointed as GDSBPM, Chayikkottukonam BO in preference to outsiders and for a direction to the respondents to consider the request of the applicant for transfer.

2. When the Original Application came up for hearing, Shri R.Madanan Pillai, learned counsel of the respondents stated that although Annexure A3 notification has been issued, no further action has been taken on that basis in view of the interim order of the Tribunal and that in view of the extant instructions and the order of the Tribunal in OA No.1057/99, the applicant's request for transfer and appointment to the post of GDSBPM, Chayikkottukonam BO will be considered by the 3rd respondent and the Original Application may be disposed of with directions to that effect.

3. In the light of the above submission of the learned counsel of the respondents, the Original Application is



disposed of directing the 3rd respondent to consider the request of the applicant contained in Annexure A2 for transfer and appointment to the post of GDSBPM, Chayikkottukonam BO, in the light of Annexure A6 and Annexure A9. An order in that regard shall be issued by the 3rd respondent within a period of two months from the date of receipt of a copy of this order. No costs.

Monday, this the 11th day of November, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

Ak.

APPENDIX

Applicant's Annexures:

1. A-1: True copy of the Memo No.B3/332 dated 25.1.93 of the 1st respondent.
2. A-2: True copy of the representation dated 24.7.2002 of the applicant to the 3rd respondent.
3. A-3: True copy of the Notification dated 19.7.2002 of the 2nd respondent.
4. A-4: True copy of the letter No.43-27/85-Pen(EDC&Trg) dated 12.9.1988 of the D.G Posts, New Delhi.
5. A-5: True copy of the letter No.17-60/95-ED&Tr dated the 28-8-96 of the 5th respondent.
6. A-6: True copy of the letter No.19-51/96-ED & Trg dated 11.2.97 of the 5th respondent.
7. A-7: True copy of the order in O.A.No.1184 of 1998 of this Hon'ble Tribunal dated 13.8.1999.
8. A-8: True copy of the Order No.B3/ED/TFR dated 30-1-2001 of the Superintendent of Post Offices, Tellicherry Division transferring and appointing Smt.Shirly John, BPM Abhayagiri.
9. A-9: True copy of the order in O.A.No.1057 of 1999 dated 2.4.2002 of this Hon'ble Tribunal.

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14.11.02