

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 612/95

WEDNESDAY, THIS THE 16TH DAY OF OCTOBER, 1996.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

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

S. Padmavathy,
Korankuzhi Roadarikathu Puthen Veedu,
Kottakkakam P.O. (Via) Aryanadu,

..Applicant

By Advocate Mr. Sasidharan Chempazhanthiyil

Vs.

1. Superintendent of Post Offices,
South Division, Thiruvananthapuram.

2. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.

3. Director General,
Postal Department, New Delhi.

4. Sasidharan Nair,
Extra Departmental Branch Post Master,
Uriyancode, Vellanad P.O.,
Nedumangad.

..Respondents

By Advocate Mr. James Kurian, ACGSC

The application having been heard on 16th October, 1996
the Tribunal on the same day delivered the following:

O R D E R

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was earlier an Extra Departmental Branch Postmaster and who had worked for different spells in different Post Offices, is aggrieved by the fact that though a vacancy arose in Uriyancode Post Office, her name was not considered even though there was a direction to that effect in A2 orders of the Tribunal

in O.A. 431/92 and A4 letter dated 28.12.94 acknowledges that applicant may apply when a vacancy arises in Uriyacode Post Office.

2. According to applicant when a vacancy arose at Uriyacode Post Office, it was sought to be filled by considering only employees who had requested for a transfer and the vacancy was not notified for general selection. Applicant contends that under the Rules issued by the Director General, an Extra Departmental Agent can ask for a transfer and his case can be considered without his going through the Employment Exchange. The Rule however does not speak of any priority being given to such an employee who seeks to come on transfer. According to applicant, the case of such a person has to be considered on an equal footing along with others who are applying for the general selection.

3. Learned counsel for respondents however relied on R2 which is an order issued by the Post Master General, Northern Region, Calicut dated 6.9.94 and it states that when there arises a vacancy and the request of a working Extra Departmental Agent is already registered for the post, there is no need of notification to the Employment Exchange and the appointing authority can straight away fill up the vacancy by giving transfer as per request. Applicant contends that this is a deviation from the instructions issued by the Director General.

4. It is for the third respondent to reconcile the discrepancy between the orders issued by him and the orders issued by the Post Master General, Northern Region, Calicut. This is all the more important considering that issues relating to Extra Departmental Agents have an all-India implication.

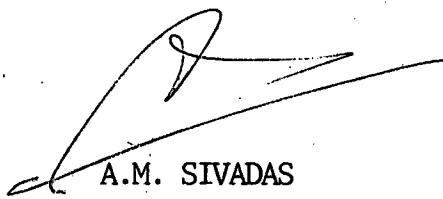
5. The third respondent will consider R2 in the light of DGP&T letter No. 4327/85PEN(EDC & Training) dated 12.9.88 and issue

..3..

appropriate instructions to the subordinate offices clarifying the position within four months of today. Thereafter, within two months the second respondent will address the grievance of the applicant and reconsider the orders issued in A7 in the light of the clarification issued by the third respondent and pass appropriate orders.

6. Application is disposed of as aforesaid. There shall be no order as to costs.

Dated the 16th October, 1996.



A.M. SIVADAS
JUDICIAL MEMBER
kmn



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

List of Annexures

1. Annexure A2: True copy of judgement of this Hon'ble Tribunal in O.A. 431/92 dated 12/10/93.
2. Annexure A4: True copy of letter No.CC/11/94 dated 28/12/94 sent by Ist respondent.
3. Annexure A7: True copy of letter No.BIC/Uriacode dated 24/3/95 sent by the Ist respondent to the applicant.
4. Annexure R2: True copy of Order No.ST/1-28 Rlg.V dated 24/1/1995