

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 614/2000

Thursday the 13th day of July, 2000.

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

S.T.Nithyanand
Extra Departmental Mail Carrier
Vallikunnam, residing at
Chenkilath Madam
Kandiyoor, Mavelikkara.

Applicant.

By advocate Ms K.Indu.

Versus

1. Union of India represented by
its Secretary, Ministry of Communications
New Delhi.
2. The Postmaster General
Central Region
O/o the Postmaster General
Kochi.
3. The Supdt. of Post Offices
Mavelikkara Division
Mavelikkara.
4. The Sub Divisional Inspector (Postal)
Mavelikkara South Sub Division
Mavelikkara.

Respondents

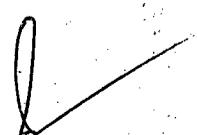
By advocate Ms.I.Sheela Devi, ACGSC

The application having been heard on 13th July, 2000,
the Tribunal on the same day delivered the following:

ORDER

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

Applicant seeks to set aside A-2 order, to declare
that he as a working Extra Departmental Delivery Agent in the
same office is eligible to be transferred and posted as EDDA,
Kaduvinal Post Office and to direct the respondents to
consider his request for transfer to the post of EDDA,
Kaduvinal Post Office in the light of the pronouncement in OA
45/98 of this Bench of the Tribunal.



2. Applicant is working as Extra Departmental Mail Carrier at Vallikkunnam Post Office under Mavelikkara Division. There is a vacancy of Extra Departmental Delivery Agent at Kaduvinal Post Office within the same Division. Applicant submitted a written request for appointment to that post by transfer as per A-1 dated 10.5.2000. His request has been turned down as per A-2 dated 29.5.2000. In the light of the order in OA 45/98 the applicant is entitled to be appointed by transfer as EDDA, Kaduvinal Post Office.

3. Respondents resist the OA contending that transfer of ED Agents from one post to another is granted only in the case of surplus/retrenched ED Agents. The order in OA 45/98 has no application to the facts of the case on hand.

4. Impugned order A-2 says that according to the existing rules, there is no provision for transfer of ED Agents from one post to another.

5. After considering all aspects, what is the position in cases like this, this Bench of the Tribunal has laid down in the order in OA 45/98. The stand of the respondents that the ruling in the said OA has no application to the facts of the case on hand cannot be accepted. The ruling in the said OA squarely applies to the facts of the case on hand.

6. In the light of the dictum laid down in OA 45/98, this OA is only to be allowed.

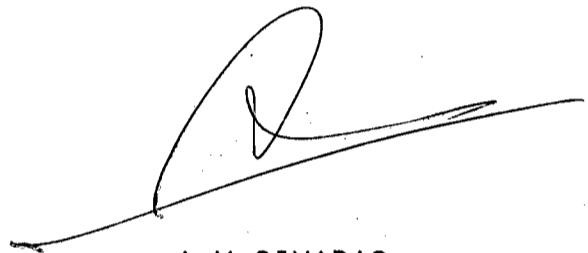


7. Accordingly, A-2 is set aside. It is declared that the applicant as a working ED Agent is eligible to be appointed by transfer as Extra Departmental Delivery Agent, Kaduvinal Post Office being in the same same recruiting unit. Respondents are directed to consider the request of the applicant for appointment by transfer to the post of EDDA, Kaduvinal P.O. alongwith other similarly placed candidates, if any, in preference to open market candidates and pass appropriate orders within two months from the date of receipt of the copy of this order. No costs.

Dated 13th July, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A-2: True copy of the letter No.B2/TFR-EDAs dated 29.5.2000 issued by the third respondent.

A-1: True copy of the request dated 10.5.2000 submitted by the applicant to the 4th respondent.