

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 615 of 2000

Friday, this the 21st day of July, 2000

CORAM

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

1. P. Kuttan,
Extra Departmental Delivery Agent,
Kudallur PO,
Ottapalam.Applicant

By Advocate Mr. Thomas Mathew

Versus

1. Superintendent of Post Offices,
Ottapalam Division, Ottapalam.

2. Chief Postmaster General,
Kerala Circle, Trivandrum.

3. Union of India, represented by
its Secretary, Department of Posts,
New Delhi.Respondents

By Advocate Mr. P.M.M. Najeeb Khan, ACGSC

The application having been heard on 21st July, 2000,
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant seeks to quash A4, to declare that he is entitled to be considered for appointment to the post of Extra Departmental Branch Post Master, Kattukulam by transfer and to direct the 1st respondent to consider his claim for appointment to the said post by transfer in preference to candidates from open market.

2. The applicant is working as Extra Departmental Delivery Agent, Kudallur with effect from 4-12-1996. He has passed SSLC examination securing 340 marks. He is possessed of

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landed property to the extent of 30 cents and has got independent source of income from the landed property. The post of Branch Postmaster, Kattukulam is going to be vacant in July, 2000 consequent on the retirement of the permanent incumbent on superannuation. He made a request dated 20-3-2000 to the 1st respondent for appointment to the post of Branch Postmaster, Kattukulam by transfer. There was no response. He submitted another request dated 8-5-2000 to the 1st respondent for which also there is no reply. He previously made a request for transfer to the post of Extra Departmental Delivery Agent, Kattukulam on 9-6-1999 when a vacancy had arisen and the 1st respondent passed an order (A4) stating that as per rules in force the transfer is not permitted.

3. Respondents resist the OA contending that the position as stated in A4 remains the same even today and that is why the subsequent representation was not responded to. Ottapalam Sub Division is a separate recruiting unit and the applicant belongs to that recruiting unit, but the Sub Division to which the applicant belongs and the Sub Division to which he seeks an appointment by transfer belong to the same Division under the administrative control of the 1st respondent. The post of Extra Departmental Messenger, Katambazhipuram is to be abolished soon and as the incumbent of the post of Extra Departmental Messenger, Katambazhipuram satisfies all conditions for appointment as Branch Postmaster, Kattukulam, it is earmarked for him.

4. It is the admitted case of the respondents that the applicant is working in the same recruiting unit as far as the post of Extra Departmental Branch Postmaster, Kattukulam is

concerned. According to the respondents, as per the rules in force a transfer is not permitted. In the light of the findings of this Bench of the Tribunal in OA No. 45/98, the stand of the respondents cannot be accepted.

5. The stand of the respondents that the post of Extra Departmental Messenger at Katambazhipuram is to be abolished soon and that Extra Departmental Messenger is to be accommodated in the ensuing vacancy of Extra Departmental Branch Postmaster at Kattukulam cannot stand in the way of respondents in considering the request of the applicant.

6. A4, the impugned order, says that as per rules in force on the subject the transfer is not permitted. As already stated, this cannot be sustained.

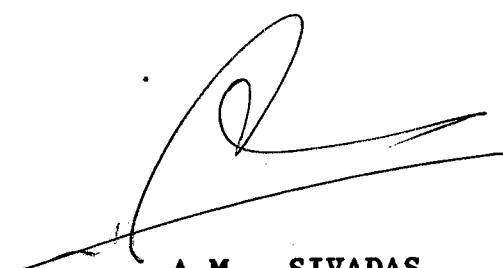
7. Accordingly, the Original Application is allowed, quashing A4 and declaring that the applicant is entitled to be considered for appointment to the post of Extra Departmental Branch Postmaster, Kattukulam by transfer. The 1st respondent is directed to consider the claim of the applicant to the post of Extra Departmental Branch Postmaster, Kattukulam along with other similar Extra Departmental Agents, if applied, in preference to outsiders. No costs.

Friday, this the 21st day of July, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

ak.



A.M. SIVADAS
JUDICIAL MEMBER

List of Annexures referred to in this Order:

1. A4 True copy of the letter No. B3/31(o) dated 15-6-1999 issued by the 1st respondent.