

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.88 OF 2000.

Dated the 11th April 2000.

CORAM:

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

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Mamedkutty P.K.,  
Extra Departmental Delivery Agent-II,  
Kavanur E.D.S.O., Malappuram. Applicant  
(By Advocate Shri.O.V. Radhakrishnan)  
Vs.

1. Superintendent of Post Offices,  
Manjeri Division,  
Manjeri-676 121.
2. Union of India, represented by  
its Secretary, Ministry  
of Communications, New Delhi Respondents  
(By Advocate Shri. N. Anil Kumar, ACGSC).

(The application having been heard on 11th April 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 Delivery Agent (EDDA for short) at Kavanur E.D.S.O. finding that a vacancy has arisen in the post of Extra Departmental Sub Post Master (EDSPM for short) in the same Post Office and the same was notified by Annexure A1 dated 5.1.2000, made a request for transfer and appointment to that post stating that he is eligible and suitable to appoint on that post. However, the request of the applicant was turned down by the impugned order A3 whereby the applicant was informed that EDDAs are not eligible to transfer from one post to another. Therefore, the applicant has filed this application to have the impugned orders A1 and A3 set aside and for a declaration that the applicant as a working ED Agent is entitled to be transferred and posted as EDSPM and for appropriate direction to the respondents in that behalf.

2. The respondents contend that as the ED Agents are not entitled to be transferred in accordance with the instructions prevalent in the department, the claim of the applicant for transfer and appointment as EDSPM, is not sustainable.

3. We have gone through the pleadings and materials placed on record and also heard the learned counsel on both sides.

4. The question whether an ED Agent who prefers to work against another ED post which falls vacant in the same place or in the same office is entitled to be transferred and appointed on that post if he is eligible and qualified to be appointed to that post or has to face a competition along with outsiders in view of the clarificatory letter dated 14.2.97 of the Member(Personnel) was considered by a Bench of this Tribunal in O.A.45/88. The Bench held that in view of the provision contained in the letter of the DG, Posts dated 12.8.88, a working ED Agent is entitled to be appointed by transfer to another ED post if he prefers to work against that post, provided the post falls vacant in the same office or in the same place and the ED Agent is eligible and qualified without facing a competition with outsiders. We do not find any reason not to follow the above principle laid down in that order. Therefore we reject the contention of the respondents that the applicant is not entitled to be considered for transfer as requested for by him.

5. In the result, we set aside the impugned orders A1 and A3 declaring that the applicant as a working ED Agent, is

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entitled to be transferred as EDSPM in the same place and we direct the respondents to consider the claim of the applicant for transfer along with the request of any other working ED Agents who have similarly applied for transfer ~~only if~~ <sup>and</sup> the applicant or other working ED Agents are not found eligible and suitable, recruitment from open market should be resorted to.

6. O.A. is disposed of accordingly. No costs.

Dated the 11th April 2000.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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**List of Annexures referred to in the order:**

**Annexure A1: True copy of the Notification No. B3/Kavanur dated 25.1.2000 issued by the 1st respondent.**

**Annexure A3: True copy of the letter No. B-3/EDSO/23 dated 17.1.2000 of the 1st respondent.**