

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.95/98

Friday the 24th day of September 1999.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Rajani K.K.
E.D.Packer
Cheranelloor P.O.

...Applicant

(By advocate Mr K.G.Anil Babu)

Versus

1. The Senior Supdt. of Post Offices
Ernakulam Division, Kochi.
2. The Assistant Supdt. of Post Offices
Ernakulam Sub Division
Edappally, Kochi.
3. Union of India rep. by the Secretary
Ministry of Communication
Department of Posts, Dak Bhavan
New Delhi.
4. The Director General of Posts
Department of Posts, Dak Bhavan
New Delhi.
5. The Postmaster General
Central Region, Kochi.

...Respondents.

(By advocate Mr George Joseph)

The application having been heard on 24th September 1999, the Tribunal on the same day delivered the following:

O R D E R

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

The first respondent published a notification on 23.9.97 (Annexure A-1) notifying two vacancies of E.D.A. posts at Palarivattom as EDSV and at Kusumagiri as EDDA and inviting applications from ED Agents of Ernakulam Division who are in need of a transfer to the two vacancies. The applicant who is working as Extra Departmental Packer at Cheranelloor Post Office from 1.2.97 and residing at Aluva has made an application for transfer to the post of EDSV at Palarivattom (Annexure A-4). She followed it up by making another representation and further representation to first and second respondents respectively. Her grievance is that

in view of a clarificatory letter issued by the Director General of Posts (Annexure A-7), the respondents are not proceeding further with the transfer initiated by issuance of Annexure A-1 order. In the impugned clarificatory letter, it was stated that transfer of ED agents would be considered only when there is surplus and working ED agents are not considered for transfer to another ED post. The applicant has therefore filed this application challenging A-7 clarificatory order, for a direction to the respondents to transfer the applicant from the post of ED packer, Cheranelloor to the post of ED Stamp Vendor at Palarivattom Post Office, declaring that she is entitled to get such a transfer.

2. The respondents contend that as the appointment to ED posts is made locally, ED agents working in one post are not entitled seek transfer to another post except when an ED agent is rendered surplus or there are personal reasons in terms of the clarificatory order issued by the Director General of Posts in his letter dated 14.2.97 and that the impugned instruction was issued basing on that letter of the DG, Posts.

3. We have heard learned counsel on either side and have given our anxious consideration to the facts and circumstances of the case. Identical question came up for consideration before the Tribunal in OA 45/98 as also in OA 197/98. The Tribunal had in those cases set aside the clarificatory order issued by the Director General of Posts dated 14.2.97 and also letter dated 16th October '97 (Annexure A-7) and directed that the case of the applicants in those cases should be considered. Since the clarification dated 14.2.97 as also Annexure A-7, ^{now} having been struck down, in this case are not in operation, the contention of the respondents that the applicant cannot be considered for transfer is rejected.

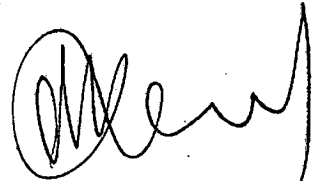
4. In the result, this application is disposed of directing the respondents to declare that the applicant is entitled to be considered for transfer as Extra Departmental Stamp Vendor, Palarivattom and the respondents are directed to consider the transfer of the applicant accordingly. The above exercise shall be completed and orders passed within a period of two months from the date of receipt of a copy of this order.

No order as to costs.

Dated 24th September 1999.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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Annexures referred to in this order:

- A-7: True copy of the proceedings of the Assistant PMG, Kochi Region No.CC/2-85/96 dated 16.10.97.
- A-1: True copy of the memo No.B-5/01 dated 23.9.97 issued by the first respondent.
- A-4: True copy of the application submitted by the applicant before the second respondent.