

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 102  
T. A. No.

1991

DATE OF DECISION 24.6.91

Kusumam K. Avarachan Applicant (s)

Mr. O. V. Radhakrishnan Advocate for the Applicant (s)

Versus

Supdt. of Post Offices,  
Alwaye Division, Alwaye Respondent (s)

Mr. P. Sankarankutty Nair, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is at present working as Extra Departmental Branch Post Master, Randar Branch Post Office. She was selected as per Annexure-I order dated. 03.10.81. After her marriage on 25.1.87, she shifted her permanent residence to a place within the postal jurisdiction of Chelad Junction Post Office. While she was residing with her husband in that place and working at Randar BPO, a vacancy of EDBPM arose in Chelad Junction Post Office. She submitted Annexure A-2 representation dated 25.12.90 for getting a transfer to Chelad Junction Post Office. But this was rejected as per Ext. A-3 order of the

Supdt. of Post Offices, Aluva. The order reads as follows:

" I am directed to inform you that according to the present instructions, transfer to one EDA is admissible to another post becomes vacant. Hence your request cannot be considered now."

2. The applicant is challenging Annexure A-3 order on the ground that it is violative of departmental instructions contained in Annexure A-4 and A-5. She submitted that when an E. D. Post becomes vacant in the same office or in any of the post offices situated in the nearby places, a transfer is permissible in the light of Annexure A-5.

3. The respondents denied the statement and contended that according to Ext. A-5 transfer of E.D. Agents from one post to another cannot be effected but there are two exemptions viz (i) post should fall vacant in the same office or in the same place and (ii) and the applicant should become surplus due to abolition of post. The applicant is not fulfilling the above conditions. But a correct interpretation of Ext. A-5 has not been made by the Supdt. of Post offices while passing the impugned order. The request of the applicant has not been considered in the light of Ext. A-5 order. Hence the impugned order is unsustainable and liable to be quashed. The matter requires in the interest of justice further examination by the respondent in the light of Ext. A-5 order. Accordingly, we set aside Annexure A-3 and direct the Supdt. of Post Offices, Aluva to examine the claim of the applicant


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further in the light of Ext. A-5 and decide as to whether the contention of the applicant can be sustained. We are disposing of this application without expressing any opinion on the interpretation of Ext. A-5 with the aforesaid direction. This shall be done by the respondents within a period of one month from the date of receipt of a copy of the judgment. Till such a decision is taken by the respondents and communicated to the applicant he shall not fill up the post of EDBPM Chelad Post Office.

4. The application is disposed of with the above direction. There will be no order as to costs.

  
(N. DHARMADAN)  
JUDICIAL MEMBER

  
(S. P. MUKERJI)  
VICE CHAIRMAN

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