

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 112 of 2000

Thursday, this the 14th day of February, 2002

CORAM

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. K.P. Sarala,
Extra Departmental Mail Carrier,
Kappad B.O, Chovva - 670 006Applicant

[By Advocate Mr. M. Paul Varghese]

Versus

1. Union of India represented by its
Secretary to Government,
Ministry of Communications, New Delhi.

2. Director General Posts,
Department of Posts,
New Delhi.

3. Postmaster General,
Northern Region,
Calicut - 673 011

4. Superintendent of Post Offices,
Kannur Division, Kannur - 670 001Respondents

[By Advocate Mr. T.C. Krishna, ACGSC]

The application having been heard on 14-2-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

This Original Application has been filed by the
applicant aggrieved by A2 and A7 orders dated 2-12-1999 and
11-1-2000 respectively rejecting her A1 and A5 representations
requesting for appointment as Branch Postmaster, Munderi by
transfer from the post of Extra Departmental Mail Carrier,
Kappad, which the applicant is holding. She sought the
following reliefs:-



..2.

- "i) Declare that the applicant, as a working Extra Departmental Agent, under the same recruitment unit, is eligible to be transferred and appointed as Extra Departmental Branch Postmaster, Munderi, under the 4th respondent.
- ii) Direct the respondents to consider the request of the applicant for transfer and posting to the post of Extra Departmental Branch Postmaster, Munderi and appoint the applicant to the said post.
- iii) Grant such other reliefs as may be prayed and the Honourable Tribunal may deem fit."

2. The applicant mainly rely on the order of this Tribunal dated 25-2-1999 in OA.No.45/98.

3. When the Original Application came up for hearing on date, the learned counsel for respondents submitted that irrespective of what is stated in the reply statement filed by the respondents, the position that emerges now is that as per orders of this Tribunal and judgements of the Hon'ble High Court of Kerala, the department has adopted a policy of considering the cases of the working Extra Departmental Agents by transfer for filling up any post of Extra Departmental Agent before resorting to open market recruitment. In pursuant to this policy the respondents are prepared to notify the vacancy of Extra Departmental Branch Postmaster, Munderi so that any serving Extra Departmental Agent wanting an appointment against this post could apply. If in response to such notification the applicant makes an application, her case will be considered along with other similar applications received from the Extra Departmental Agents. The learned counsel for the applicant submits that he has no objection in adopting such a course of action except that it may not be insisted that the applicant should apply afresh.



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4. We have considered the rival submissions and the pleadings and have also perused the documents on record. As it is now accepted by the respondents that they will invite applications from serving Extra Departmental Agents for filling up the post of Extra Departmental Branch Postmaster, Munderi and that in case the applicant applies in response to the same her case would be considered along with other Extra Departmental Agents who may also apply for such transfer, we are of the view that this Original Application can be disposed of on the basis of the above submissions. Accordingly, we direct the respondents to fill up the post of Extra Departmental Branch Postmaster, Munderi from among serving Extra Departmental Agents after issuing a notification. The applicant may apply in response to such notification and his case shall be considered by the respondents along with similar applications received from the Extra Departmental Agents.

5. The Original Application is disposed of as above with no order as to costs.

Thursday, this the 14th day of February, 2002



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the request representation dated 30.11.99 of the applicant to the 4th respondent.
2. A-2: True copy of the order No.B2/8-4/97 dated 2.12.99 of the 4th respondent to the applicant.
3. A-3: True copy of the D.G.Posts letter No.43-27/85-Pen (EDC&Trg) dated 12.9.1988.
4. A-4: True copy of the order dated 25.2.1999 in OA 45/1998 of this Hon'ble Tribunal.
5. A-5: True copy of the representation dated 11.12.1999 of the applicant to the 3rd respondent.
6. A-6: True copy of letter No.Staff/23/2/98/Pt. II dated 5.1.2000 of the 3rd respondent to the applicant.
7. A-7: True copy of the order No.B2/8-4/97 dated 11.1.2000 of the 4th respondent to the applicant.
8. A-8: True copy of the letter No.B3/285 dated 25.1.2000 of the 4th respondent to the applicant.
9. A-9: True copy of the mark list of the applicant's SSLC book.
10. A-10: True copy of the order dated 15.11.1999 in OA 1191/99 of this Hon'ble Tribunal.

Respondents' Annexures:

1. R-1: True copy of the letter of Assistant Director General (Pension) dated 6.5.1985.
2. R-2: True copy of the letter from DG Department of Posts, New Delhi dated 12.9.1988.
3. R-3: True copy of the minutes recorded at the time of verification of certificates.

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15.2.02.