

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 127 of 2001

Friday, this the 2nd day of February, 2001

CORAM

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

1. PK Sreemathi,
W/o. PB Balagopala Pillai,
Pulampoikayil House,
Kampetty PO, Thalapuzha Via,
Wayanad District,
E.D.D.A.,
Mathilayam Branch Post Office.Applicant

[By Advocate Mr. M. Sasindran]

Versus

1. The Superintendent of Post Office,
Thalassery Division.

2. Union of India, represented by
Secretary to Government,
Department of Posts, New Delhi.

3. Pradeepkumar,
E.D.D.A., Kunhom Branch Post Office,
Kunkom PO.Respondents

[By Advocate Mr. T.A. Unnikrishnan, ACGSC (R1&2)]

The application having been heard on 2nd of February, 2001,
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 strike down the clarification 1(b) to Query 1 of A1 to the extent it gives preference to seniormost ED Agent working in the same office over the seniormost ED Agent working in the same recruiting unit for transfer against a vacant ED post and clarification 2(a) to Query 2 of A1 to the extent preference is given to ED Agents having higher marks in Matriculation examination for transfer

appointment to the post of EDBPM/SPM, and to direct respondents 1 and 2 to forebear from appointing the 3rd respondent to the post of EDBPM Kunhom.

2. The applicant is presently working as Extra Departmental Delivery Agent (EDDA for short), Mathilayam Branch Post Office. Vacancies to the post of Extra Departmental Branch Post Master (EDBPM for short) arose at Kunhom Branch Post Office and also at Kampetty Branch Post Office. She is fully qualified and eligible to be appointed as EDBPM by transfer. It is reliably understood that the 1st respondent has decided to transfer and appoint the 3rd respondent overlooking her claim solely on the basis of marks obtained in the SSLC examination.

3. There is absolutely no case for the applicant that the 3rd respondent has been selected or appointed to the post of EDBPM in the post office to which she has sought appointment by transfer. What the applicant says is that she has reliably understood that the 1st respondent has decided to transfer and appoint the 3rd respondent as EDBPM at Kunhom Branch Post Office. There is absolutely no material to show that the 1st respondent has taken any such decision. It could only be said that it is only an imagination of the applicant. When the applicant has applied for, she cannot presume before a decision is taken by the authority competent that somebody else will alone be selected or appointed in a particular fashion. Reliefs sought are without any basis. There is actually no

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cause of action for the applicant. What the applicant really seeking is an anticipatory order not to appoint the 3rd respondent.

4. We do not find any ground to admit the Original Application.

5. Accordingly, the Original Application is dismissed. No costs.

Friday, this the 2nd day of February, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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List of Annexure referred to in this order:

1. A1 True copy of the proceedings No. 17-60/95 ED & Trg. dated 28-8-1996 issued by the Assistant Director General (ED & Trg) on behalf of Union of India.