

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 143/2000

Monday this the 20th day of March, 2000

CORAM

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

V. Uthami
Extra Departmental Branch Post Master,
Vellaramkunnu B.O. Murukkady PO
Kumali, Idukki District.

...Applicant

(By Advocate Mr. Paul Varghese)

vs.

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. Superintendent of Post Offices,
Idukki Division,
Thodupuzha-685 584.

..Respondents

(By Advocate Mr. PMM Najeeb Khan (rep. by Ms. Sheljam)

The application having been heard on 20.3.2000, 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 working as Extra
Departmental Branch Post Master (EDBPM for short)
Vellaramkunnu B.O. applied for a transfer to the post of
EDBPM, Chakkupallam Branch Office in the same
Sub-Division. The request was turned down by the impugned
order A3 by the third respondent on the ground that as per
existing orders there is no provision for transfer of EDAs
freely from one post to another. Aggrieved by that the
applicant has filed this application for a declaration
that the applicant, as a working Extra Departmental Agent,

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under the same recruitment unit is eligible to be transferred and appointed as Extra Departmental Branch Post Master, Chakkupallam under the third respondent and to direct the respondents to consider the request of the applicant for such a transfer and posting and to appoint her in the said post. It has been stated in the application that as a working E.D.agent as per the extant instructions of the Director General (Posts) she is entitled to be considered for transfer as EDBPM, Chakkupallam Branch Office. The applicant has also placed reliance on a decision of this Tribunal in O.A. 45/98 wherein the instruction issued by the Director General (Posts) has been interpreted and it has been held that working E.D.Aagents are entitled to be transferred to another post if he/she satisfies the eligibility criteria for such transfer.

2. The respondents in their reply statement seek to justify the impugned order. It is contended that E.D.Aagents are not to be freely transferred from one post to another. It has also been contended that as far as the post of EDBPM, Chakkupallam is concerned only provisional appointment is being resorted to as the request of the dependent of Shri M.M.Joy, BPM who died on 6.1.2000 is pending for compassionate appointment.

3. We have heard the learned counsel on either side. As to whether an E.D.Agent is entitled to be transferred to another post falling within the same place or in the same station, the question has been concluded by the judgment of this Tribunal in O.A.45/98. According to the instructions of the Director General (Posts) on the subject, a working E.D.Agent who satisfies the

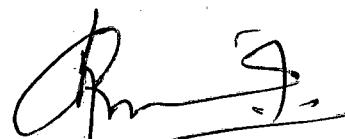
eligibility criteria and is willing to be appointed on another E.D.post falling vacant in the same place or in the same station can be appointed without being subjected to a selection process with outsiders. The impugned order A3 therefore cannot be sustained.

4. The respondents in the reply statement have contended that as a request for compassionate appointment to the post of EDBPM, Chakkupallam is pending, regular selection to the post cannot be made and the notification has been issued only for provisional appointment pending consideration of the compassionate appointment. The instructions provide that when E.D.Posts fall vacant on account of the death of incumbent the post shall not be regularly filled until the claim for compassionate appointment is determined. Under these circumstances the respondents cannot be faulted for not making a regular selection. However, if the respondents fill up the post on a regular basis otherwise than by compassionate appointment, the respondents shall first consider the case of the applicant and similar other ED Agents who applies for such transfer and failing which only open market recruitment should be resorted to.

5. In the result, in the light of what is stated above, the application is disposed of setting aside the A3 order and directing the respondents that if the post of EDBPM, Chakkupallam is being filled on a regular basis otherwise than ^{by} compassionate appointment, the request of the applicant and similar other ED Agents, if any for transfer should be considered first and only failing

which recruitment from open market should be resorted to.
No order as to costs.

Dated the 20th day of March, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to:

Annexure A3 True copy of the Order No.B6/173 dated
18.1.2000 of the third respondent to the
applicant.

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