

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.155/2000.

Monday this the 8th day of October 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Seena Thomas,
Extra Departmental Delivery Agent,
Vattakunnu P.O., Kottayam. Applicant

(By Advocate S/Shri C.S. Ajith Prakash and PC Sebastian)

vs.

1. The Senior Superintendent of Post Offices, Kottayam Division, Kottayam.
2. The Director General of Posts, Department of Posts, Dak Bhavan, New Delhi.
3. The Union of India, represented by Secretary, Ministry of Communications, Department of posts, New Delhi. Respondents

(By Advocate Shri A. Sathianathan, ACGSC)

The application having been heard on 8th October 2001 the Tribunal on the same day delivered the following:

ORDER

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

The applicant who is working as Extra Departmental Delivery Agent has applied for appointment as Extra Departmental Sub Post Master (EDSPM for short), Thiruvanchoor P.O. by transfer. Since her request was not considered and steps were in progress for making recruitment from open market, the applicant has filed this application for the following reliefs.

- i. To call for the records leading to the issue of Annexure A-7 and A-8 and quash the same.
- ii. to declare that applicant is entitled to be considered for appointment by transfer to the vacancy of Extra Departmental Sub Postmaster, Thiruvanchoor P.O., in terms of annexure A-4 instructions and in the light of Annexure a judgement.
- iii. to direct the Ist respondent to consider the applicant's request for transfer as EDSPM, Thiruvanchoor in terms of Annexure A-4 and in the light of Annexure A-6 judgement in preference to outsiders within a time limit to be fixed by this Hon'ble Tribunal.
- iv. to grant such other reliefs which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case.
- v. to award costs in favour of the applicant."

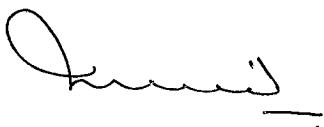
2. When the O.A. came up for hearing today, the learned counsel for respondents stated that the appointment to the post of EDSPM, Tiruvanchoor would be made only after considering the candidature of the applicant also along with the requests of other working ED Agents, if any, who applied for transfer to the post of EDSPM, Thiruvanchoor, in the light of the rulings of this Tribunal in O.A.45/98 and recruitment, from open market shall be resorted to only if the applicant or any other ED Agent who has already applied for such transfer are found unsuitable or ineligible for such appointment.

3. Counsel on either side agree that the matter may be disposed of with a direction to the respondents in that regard.

4. In the light of the above submission made by the learned counsel for the parties, the application is disposed of

directing the respondents to consider the request of the applicant for transfer as EDSPM, Thiruvanchoor along with similar requests of other ED Agents if any, who have applied for transfer, and that the recruitment from open market should be resorted to only in case, the applicant or any other working ED Agent who have applied for such transfer are found unsuitable or ineligible for such appointment. No costs.

Dated the 8th October, 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

APPLICANT'S ANNEXURE

1. Annexure A1: True copy of Memo No.DA/Vattakunnu dt. 15.11.1999 issued by the Sub Divisional Inspector (Postal) Kottayam East Sub Division, Kottayam.
2. Annexure A2: True copy of the representation dt. 15.1.2000 submitted by applicant to 1st respondent.
3. Annexure A3: True copy of the representation dt. 27.1.2000 submitted by applicant to the 1st respondent.
4. Annexure A4: True extract of letter No.43-27/85-Pen (EDC & Trg) dt. 12.9.1988 issued by the 2nd respondent.
5. Annexure A5: True extract of letter No.19-31/94-ED & TRG dated 11.8.1994 issued by the 2nd respondent.
6. Annexure A6: True copy of the order dt. 25.2.1999 of this Hon'ble Tribunal in OA-45/98.

RESPONDENT'S ANNEXURE

1. Annexure R1(a): Copy of the letter No.43-27/85-Pan(EDC & Trg) dated 12.9.1998, issued by Mr. R.S.Natarajamurti, Director(E), Ministry of Communications, Dept. of Posts, DAK TAR Bhavan, Parliament Street, New Delhi-1.
2. Annexure R1(b): Copy of the letter No.19.8/97-ED & Trg. dated 1.7.97, issued by the 2nd respondent.
3. Annexure R1(c): Copy of the letter No.87/KME/SD dated 15.2.2000, issued by the First Respondent.
4. Annexure R1(d): Copy of the Letter No.43-27/85-pen dated 6.5.1985 issued by the Assistant Director General, Pension.
5. Annexure R1(e): Copy of the Judgement dated 24.4.1990 in O.A. No.406 of 1989 of this Honourable Tribunal Ernakulam Bench.

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