

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA 174/98

Friday the 5th day of March 1999.

CORAM

HON'BLE MR R.K.AHOOJA, ADMINISTRATIVE MEMBER

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

G.Chandran  
Branch Postmaster  
Moonumukhu P.O.  
Pangodu S.O.

...Applicant

(By advocate Mr Sasidharan Chempazhanthiyil)

Versus

1. Senior Supdt. of Post Offices  
North Division  
Thiruvananthapuram.
2. Supdt. of Post Offices  
South Postal Division  
Thiruvananthapuram.
3. Chief Postmaster General  
Kerala Postal Circle  
Thiruvananthapuram.
4. Director General  
Postal Department  
New Delhi.
5. Union of India rep. by its Secretary  
Ministry of Communication  
New Delhi.

...Respondents.

(By advocate Mr P.R.Ramachandra Menon)

The application having been heard on 5th March 1999,  
the Tribunal on the same day delivered the following:

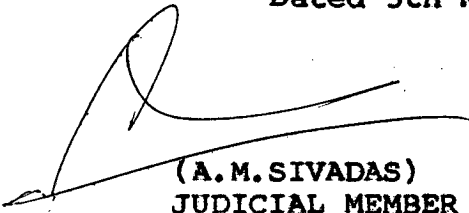
O R D E R


HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash Annexure A-7 to the extent it is applicable to the selection of Extra Departmental Branch Postmaster, Moonumukhu, to direct the first respondent to consider him for the post of EDBPM, Moonumukhu, to declare that treating working ED agents and employment exchange nominees as one class for the purpose of selection of ED agents is illegal and to direct the first respondent to make selection to the post of EDBPM, Moonumukhu from among working ED agents in the light of A-6 and by following communal reservation.

2. Respondents say that as per latest instructions on the subject (A-7), appointing authorities are not permitted to fill up vacancies of ED agents by giving appointments to working ED agents on transfer without notifying the vacancies to employment exchange and, therefore, the requisition was sent to employment exchange when the post of EDBPM, Moonumukhu arose.
3. An identical question was considered by this Bench of the Tribunal in OA 45/98 and as per order dated 25.2.99, A-7 order has been set aside and it is held that an ED agent working in the same office is entitled to be transferred and posted as EDSPM if he is eligible and qualified in preference to outsiders.
4. Learned counsel appearing for the applicant submitted that it is suffice to direct the first respondent to consider A-5 representation submitted by the applicant in the light of the order in the said OA after quashing A-7 to the extent it is applicable to the selection of EDBPM, Moonumukhu.
5. In the light of the order passed in OA 45/98, the prayer of the applicant to quash A-7 to the extent it is applicable to the selection of EDBPM, Moonumukhu is to be allowed.
6. Accordingly A-7 is quashed to the extent it is applicable to the selection of Extra Departmental Branch Postmaster, Moonumukhu and the first respondent is directed to consider afresh A-5 representation dated 10.12.97 in the light of the order in OA 45/98 dated 25.2.99 and to pass appropriate orders within one month from the date of receipt of a copy of this order. There is no order as to costs.

Dated 5th March 1999.

  
(A.M. SIVADAS)  
JUDICIAL MEMBER

  
(R.K. AHOOJA)  
ADMINISTRATIVE MEMBER

LIST OF ANNEXURES

1. Annexure A5: True copy of the representation dated 10.12.97 submitted by the applicant to the 1st respondent.
2. Annexure A6: True copy of the letter No.17-60/95-ED & Trg. dated 28.8.96 issued by the 4th respondent.
3. Annexure A7: True copy of the letter No.BIC/Rlg/GL dated 29.12.97 issued by the Superintendent of Post Offices South Division, communicating letter No.19-72/96-ED & Trg. dated 14.12.97 issued by the 4th respondent.

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