

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.190/2001

Monday this the 19th day of February, 2001.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, MEMBER (A)

P.V. Lanchu,
Branch Post Master,
Mithranikethan Branch Office,
Nedumangad, residing at
T.S.Cottage, Poovathoor,
Pazhakutti.Applicant

(By Advocate Sri Sasidharan Chempazhanthil)

vs.

1. The Superintendent of Post Offices,
South Division, Thiruvananthapuram.
2. Chief Postmaster General,
Kerala Postal Circle,
Thiruvananthapuram.
3. Director General,
Postal Department, New Delhi.
4. Union of India rep. by its
Secretary, Ministry of Communications,
New Delhi.
5. Shri Pradeep,
Extra Departmental Delivery Agent,
Parandode P.O.,
Nedumangad, Thiruvananthapuram.

.... Respondents

(By Advocate Sri P.J.Philip)

The Application having been heard on 19.2.01, the Tribunal on the same day delivered the, following:-

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant who is working as Branch Postmaster, Mithranikethan Branch Office has applied for transfer and appointment to the post of Branch Post Master, Irinchayam . As his application did not evince any response, the applicant has filed this application alleging that the Ist respondent influenced by extraneous reasons has decided to give transfer

to 5th respondent who is an Extra Departmental Delivery Agent, overlooking the superior claim of the applicant. It is also alleged in the application that an order of appointment of 5th respondent would be issued at any time and therefore the applicant has filed this application for the following reliefs.

"1. Call for the records and quash all proceedings to grant a posting by transfer to the 5th respondent as BPM Irinchayam.

2. declare that having regard to the facts and circumstances of the case and the rule governing posting by transfer of working ED Agents, the applicant is entitled to be granted a transfer as BPM Irinchayam and direct the Ist respondent to take action accordingly.

3. Direct the first respondent to observe reservation rule in the posting of BPM Irinchayam.

4. Direct the Ist respondent to consider the requests from working ED BPMs only in the matter of posting by transfer to the post of E.D. BPM Irinchayam.

5. Direct the 2nd respondent to consider and pass order on Annexure A6 representation and direct the respondents to keep in abeyance all further proceedings in the matter of filling up the post of ED BBM Irinchayam.

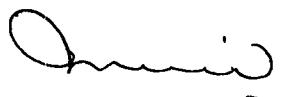
6. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

7. Award the cost of these proceedings."

2. After hearing the learned counsel of applicant, we do not find any valid cause of action for the applicant to evoke the jurisdiction of the Tribunal. The mere apprehension of the applicant that the first respondent is likely to be influenced by extraneous considerations and that he would issue an order against the rules cannot form a cause of action of the O.A. If any order violating any legal rights of the applicant or

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with malafides is passed, the applicant may have a cause of action. So long as no such order has been issued, an application filed intending to forestall an administrative action cannot be entertained. We, therefore, reject the O.A. under Section 19(3) of the Administrative Tribunals Act 1985.



(T.N.T.NAYAR)
MEMBER (A)



(A.V.HARIDASAN)
VICE CHAIRMAN

rv

A-6: True copy of the representation dated 17.2.2001 to the 2nd respondent.