

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 192 of 2003

Wednesday, this the 21st day of May, 2003

CORAM

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

1. S. Namamani,
S/o R. Seen Nadar,
EDMC Ambanad (BO), Kalthuruthy,
residing at Narayana Bhavan,
Poothottam, Kalthuruthy PO,
Kollam - 691 309Applicant

[By Advocate Mr. Vishnu S Chempazhanthiyil]

Versus

1. Sub Divisional Inspector of Post Offices,
Punalur.

2. The Superintendent of Post Offices,
Pathanamthitta Division, Pathanamthitta.

3. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.

4. Union of India, rep. by its Secretary,
Ministry of Communications, New Delhi.Respondents

[By Advocate Mr. T.A. Unnikrishnan, ACGSC]

The application having been heard on 21-5-2003, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant was appointed as GDSMC, Ambanad on 20-1-1997. When the post of GDSBPM, Ambanad fell vacant with effect from 12-12-2002 consequent on transfer of the regular incumbent, Annexure A2 was issued inviting applications from working ED Agents for transfer. The applicant also submitted Annexure A3 application. The grievance of the applicant is that with a view to give an opportunity to one Shaji to apply

for transfer, by Annexure A5 order dated 27-12-2002 of the 2nd respondent the last date of receipt of applications was extended to 15-1-2003. The applicant is also aggrieved that a notification (Annexure A6) for making recruitment from open market was also issued. The applicant, therefore, has filed this application seeking to quash Annexure A5 and Annexure A6, for a declaration that he is entitled to be considered for transfer to the post of GDSBPM, Ambanad in preference to outsiders and for a direction to the respondents to complete the process initiated by Annexure A2.

2. When the application came up for hearing, Shri T.A.Unnikrishnan, ACGSC took notice on behalf of the respondents and sought time to file a statement with an understanding that the matter can be disposed of on the next date of hearing. However, no statement has been filed.

3. We have gone through the application and the materials placed on record. We are of the considered view that the matter can be disposed of even without a statement being filed by the respondents.

4. The challenge of the applicant against Annexure A5 order by which the date of receipt of applications by the competent authority has been extended to 15-1-2003 cannot be taken cognizance of for the reason that the competent authority can extend the date of receipt of applications. The applicant has no locus standi to challenge such an action, nor has any prejudice been caused to the applicant by such action. Further, apart from stating that the extension of time for receipt of applications was made for the purpose of enabling

one Shaji to submit a request for transfer, neither the said Shaji has been impleaded as a party, nor any malafide has been alleged against the competent authority impleading the incumbent in personal capacity. The action in extending the time for receipt of applications, therefore, cannot be held to be made without bonafides. It has been held in many cases (OA No.45/98) that an ED Agent working on one post is entitled to be considered for transfer to another post falling vacant and that direct recruitment from open market is to be resorted to only in case such requests are not forthcoming. In this case, apparently, the applicant and other ED Agents have applied for transfer and appointment to the post of GDSBPM, Ambanad. Therefore, the issuance of Annexure A6 and proceeding with the same would become necessary only in case the applicant and other ED Agents who have applied for transfer are found unsuitable for such appointment.

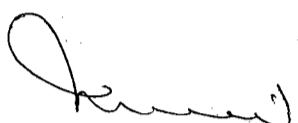
5. In the light of what is stated above, the Original Application is disposed of as below:-

- (i) The prayer of the applicant for quashing Annexure A5 is not granted; and
- (ii) Respondents are directed to consider the applicant and other ED Agents, if any, who have applied for transfer to the post of GDSBPM, Ambanad BO and to make a selection from those who have applied including the applicant. Only if all ED Agents who have applied are found ineligible for appointment as GDSBPM, Ambanad

BO, recruitment process initiated under Annexure A6 from open market recruitment may be proceeded with.

6. There is no order as to costs.

Wednesday, this the 21st day of May, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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