

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.203/2003

Monday this the 2nd day of June, 2003.

C O R A M

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

T.Rajeevan  
S/o Late K.Kunhiraman  
Working as Gramin Dak Sevak Mail Deliverer  
Kanakappally B.O.  
Residing at Thekkath House  
Kanakappally P.O.  
Parappu Via  
Kasargode.

Applicant

(By advocate Mr.O.V.Radhakrishnan)

Versus

1. Sub Divisional Inspector (Postal)  
Nileshwar Sub Division - 671 314.
2. Chief Postmaster General  
Kerala Circle, Thiruvananthapuram.
3. Director General of Posts  
Dak Bhavan, Sansad Marg  
New Delhi.
4. Asstt. Director General (GDS)  
Dak Bhavan, Sansad Marg  
New Delhi.
5. Union of India represented by  
its Secretary  
Ministry of Communications  
New Delhi.

Respondents


(By advocate Mr.C.B.Sreekumar, ACGSC)

The application having been heard on 2nd June 2003, the Tribunal on the same day delivered the following:

O R D E R

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


Applicant who is working as Gramin Dak Sevak Mail Deliverer (GDS MD for short) at Kanakappally B.O., coming to know that a vacancy was to arise in the post of GDS MD Olat B.O. in the same Sub Division submitted an application for transfer (A-3 dated 21.1.03) before the first respondent. Finding that A-4 notification dated 3.3.2003 was issued by the first respondent



initiating recruitment action to up the post from open market, and finding that the 4th respondent had issued a communication dated 26.12.2002 (Annexure A-10) which would make it appear that transfer can be made only in the event of surplusage, the applicant has filed this application for setting aside A-4 notification and A-10 communication and for a direction to the 1st respondent to consider the request of the applicant for transfer without insisting about the independent income mentioned in A-4.

2. Respondents in their reply statement contend that the applicant instead of submitting his representation to the Chief Postmaster General has approached this Tribunal after making a representation to the first respondent.

3. We have heard the learned counsel on either side. The Director General (Post) has issued instructions which would permit a working ED Agent to be appointed on another ED post falling vacant in the same station if the former satisfies the eligibility criteria. There is no contention for the respondents that the applicant does not satisfy the eligibility criteria. The requirement of independent means of income in accordance with rules is to be insisted only in the case of appointment to the post of Extra Departmental Sub Post Master/Branch Post Master, which is not relevant in this case. Therefore, this application is allowed. The impugned orders A-4 & A-10 are quashed. The respondents are directed to fill up the post of GDS MD, Olat after considering the request of the applicant and the requests of any other ED Agents who might have similarly applied for transfer. Only if the applicant or any other ED Agent, if any,



who has applied for transfer is found ineligible or unsuitable, recruitment from open market should be resorted to. Resultant orders shall be issued within a period of 6 weeks from the date of receipt of a copy of this order.

Dated 2nd June 2003.



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN  
VICE CHAIRMAN