

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 219/2000

Tuesday the 29th day of February, 2000.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Alikunju Rawther
Extra Departmental Mail Carrier
Vettiyar Sub Post Office
Mavelikkara North Sub Division
Mavelikkara.

..Applicant

(By advocate Ms. K.Indu)

Versus

1. Union of India
represented by Secretary
Ministry of Communication
New Delhi.
2. The Postmaster General
Central Region
O/o the Postmaster General
Kochi.
3. Assistant Supdt. of Post Offices
Mavelikkara North Sub Division
Mavelikkara.

Respondents.

(By advocate Mr R.Madanan Pillai)

The application having been heard on 29th February, 2000, 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 presently working as Extra Departmental Mail Carrier (EDMC for short) at Vettiyar Post Office applied for transfer and appointment as Extra Departmental Delivery Agent-II at Mankamkuzhy Sub Post Office. Finding that the respondents would not consider his case for transfer the applicant earlier filed an application before this Bench of the Tribunal (OA No.1149/99). The respondents' contention was that the applicant was not eligible for

transfer for the reason that he having studied only upto the first form, namely 6th standard does not satisfy the eligibility criterion of educational qualification of 8th standard. The application was dismissed by this Tribunal. The applicant aggrieved by the dismissal of the application filed an OP No.1218/2000 before the Hon'ble High Court of Kerala. The High Court of Kerala by its judgement dated 12th January, 2000 disposed of the OP with the following orders:

"Heard. We dispose of the original petition with a direction that petitioner's prayer for transfer shall be considered as provided under law. We make it clear that we do not express any opinion on the merits of the case. So far as the ineligibility of the petitioner is concerned, that matter need not be adjudicated, as that was not the subject matter of challenge before the Tribunal. It is for the authority to decide whether the petitioner is eligible or not."

2. Thereafter the respondents passed A2 order dated 18.2.2000 rejecting the claim of the applicant for transfer and appointment as EDDA on the ground that the qualification prescribed for appointment to the post of EDDA being 8th standard, the applicant who has studied only upto 6th standard is not eligible. It is aggrieved by that the applicant has filed this application.

3. According to the instructions regarding the transfer and appointment of working ED agents to another post falling vacant in the same office or in the same place, an ED agent can be considered for appointment without being sponsored by employment exchange if he is eligible and suitable for such appointment. The educational qualification prescribed for the post of EDDA is 8th standard. The applicant who admittedly

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has studied only upto 1st Form (sixth standard) does not satisfy the eligibility criteria for appointment as EDDA. Therefore we do not find any infirmity with the impugned order.

4. In the result, the application which does not call for admission and further adjudication is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985. No costs.

Dated 29th February, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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Annexure referred to in this order:

A-2: True copy of the order No.DA/SO-10 dated 18.2.2000 issued by the 3rd respondent.