

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.228/2001.

Thursday this the 2nd day of August, 2001.

CORAM:

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

Abinesh K,  
E.D.M.C., Vilayamkode Branch Post Office,  
Kuppadakanth House, Nareekamvalli P.O.,  
Mandoor Via,  
Kannur District.

Applicant

(By Advocate Shri K.Manojchandran)

Vs.

1. The Superintendent of Post Office,  
Kannur Division, Kannur.

2. Union of India, represented by  
Secretary to Government,  
Department of Posts, New Delhi.

3. K.Bhaskaran, E.D.D.A.,  
Kakkara P.O.,  
Kannur District.

Respondents

(By Advocate Shri C. Rajendran, SCGSC (R1&2)

The application having been heard on 2nd August, 2001  
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who was provisionally appointed as Extra Departmental Mail Carrier (EDMC for short), Vilayamkode Branch Post Office, by order dated 6.7.1999, coming to know that a vacancy of Extra Departmental Branch Postmaster (EDBPM for short) arose in Kuttur, he made a request for transfer and appointment. The grievance of the applicant is that he has not been given the proforma application form while another person has been asked to submit his application. Apprehending that his candidature would not be considered, the applicant has filed this application with the following reliefs:

*M*

"i. Direct the Ist and 2nd respondents to transfer and appoint the applicant to the post of EDBPM at Kuttoor B.P.O.

ii. To declare that the applicant is fully qualified and eligible to be transferred and appointed as EDBPM, Kuttoor.

iii. To quash Annexure A-5 to the extent it does not include the name of the Petitioner.

iv. Direct the Ist respondent to issue proformas of application and income certificate to the applicant and accept the same on the applicant submitting it within a time frame to be fixed by this Hon'ble authority.

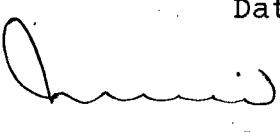
v. Direct the Ist and 2nd respondents to forbear from appointing the 3rd respondent to the post of EDBPM Kuttoor or in the alternative to quash the appointment of the 3rd respondent as EDBPM, Kuttoor, if he has been already appointed so by the Ist respondent.

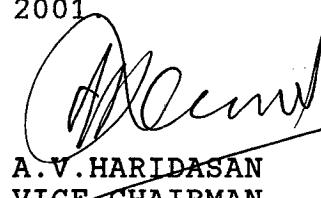
vi. To issue any other orders as this Hon'ble Tribunal may deem fit under the facts and circumstances of the case."

2. The respondents 1&2 have filed a detailed reply statement in which it is contended that the applicant being only a provisional EDMC, is not entitled to be transferred and appointed as a regular EDBPM.

3. After hearing the learned counsel on either side and on perusing the pleadings and material placed on record, we find that the applicant was appointed only on a provisional basis and therefore, he has no right to claim transfer and appointment on a regular post. The Original Application filed without a valid cause of action is, therefore, dismissed. No order as to costs.

Dated the 2nd August 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN