

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 239 of 2000

Thursday, this the 2nd day of March, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. Thulaseedharan Nair S,
Extra Departmental Branch Postmaster,
Veliyamcode PO, Kuvalassery,
Neyyattinkara.

.. Applicant

By Advocate Mr. Thomas Mathew

Vs.

1. Sub Divisional Inspector of
Post Offices, Neyyattinkara.
2. Superintendent of Post Offices,
Trivandrum South Division, Trivandrum-14
3. Chief Post Master General,
Kerala Circle, Trivandrum.
4. Union of India represented by
its Secretary, Department of Posts,
New Delhi.
5. Rishikesan Nair,
Extra Departmental Delivery Agent,
Kandala PO, Trivandrum District.
6. S. Vijayan,
Extra Departmental Delivery Agent,
Veliyamcode.
7. Raveendran Nair M,
Extra Departmental Mail Carrier,
Kattachelkuzhi, Trivandrum District.
8. Suresh Kumar,
Extra Departmental Mail Carrier,
Balaramapuram.
9. Shahabuddin, E.D.M.C.
Kalliyur PO.

.. Respondents

By Advocate Mr. KR Rajkumar, ACGSC

The application having been heard on 2nd March 2000, the
Tribunal on the same day delivered the following:

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O R D E RHON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to declare that he is entitled to be considered for regular selection and appointment to the post of Extra Departmental Branch Postmaster (EDBPM for short), Veliyamcode along with respondents 5 to 9 and to direct the respondents accordingly.

2. The applicant is working as EDBPM, Veliyamcode Post Office on the strength of a provisional appointment. The 2nd respondent has taken steps to make regular appointment to the post of EDBPM, Veliyamcode by way of transfer from among the five officials mentioned in the OA and the interview for the same is fixed to be held at 3.30 p.m. on 3-3-2000.

3. Learned counsel appearing for the respondents submitted that the post of EDBPM, Veliyamcode is now being sought to be filled up by appointment by transfer and that the applicant being not a regular EDBPM is not entitled to be considered. It is the admitted case of the applicant also that the Department has taken steps to appoint someone to the post of EDBPM, Veliyamcode by way of transfer.

4. A6 says that when an Extra Departmental post falls vacant in the same office or in any office and if one of the existing EDAs prefers to work against that post, he may be allowed to be appointed against that vacant post without coming through the Employment Exchange, provided he is suitable for the other post and fulfils all the required conditions.

5. There is no relief sought to quash A6. As per A6, only existing EDAs who prefer to work may be allowed to be appointed

contd...3

against the vacant posts. Existing EDAs mean those EDAs who are regular EDAs and not provisional EDAs. From Al it is quite evident that the applicant is only holding the post of EDBPM on a provisional basis. Since the intention of the respondents is to fill up the post on an appointment by transfer and only regular EDAs are entitled to be considered and the applicant being not a regular EDA but only a provisional EDA, there is no right even *prima facie* for the applicant to be considered.

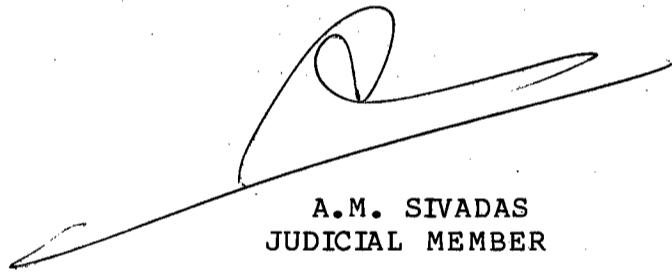
6. Accordingly, we do not find any ground to admit the Original Application.

7. The Original Application is dismissed. No costs.

Thursday, this the 2nd day of March, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. Annexure A6 - True copy of exception provided in Director General Posts letter No. 43-27/85-Pen.(EDC&Trg) dated 12th September, 1988
2. Annexure Al - True copy of order No. BPM/Veliyamcode dated 19-12-97 issued by the 1st respondent.