

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D. A. No. 259
T.A. No.

1992

DATE OF DECISION 2.11.92

T.M. Vijayanthimala Applicant (s)

Mr. M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

The Sub Divisional Inspector
of Post Offices, Chertalla and others Respondent (s)

Mr. TPM Ibrahim Khan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. Dharmadan, Judicial Member

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicant is aggrieved by the refusal of the grant of a transfer to Tirunelloor Post office in the vacancy of EDSPM.

2. According to the applicant she was appointed as E. D. Packer, Arookutty Post Office w.e.f. 15.10.76. While continuing in that post, she got married to one Sri Vasu, who is resident in the delivery area of Cherthalla Head Post Office. When a vacancy arose in the post office at Chertalla, she requested for a transfer but it was not considered. She belongs to S.C. community. According to her, she is eligible for a posting in any vacancy of E.D. Agents within the jurisdiction of Chertalla. Finally when a vacancy of EDSPM arose at Thirunelloor Post Office

she submitted Annexure-IV representation and filed this application under section 19 of the Administrative Tribunals' Act for a direction to consider her request for appointment as EDSPM, Thirunelloor Post Office.

3. At the time when the application was admitted on 17.2.92, this Tribunal directed to maintain status quo regarding filling up of the post of EDSPM, Thirunelloor Post Office. In compliance of that order, the post has not been filled up so far.

4. At the time when the case came up for final hearing, learned counsel for applicant brought to our notice Annexure R-2(A) letter issued by the Director of Post Offices on 12.9.88 and submitted that the applicant's right for a posting as EDSPM can be considered by the Department in the light of the provisions contained in the letter. He also produced judgment in a similar case O.A. 945/91. Accordingly, learned counsel submitted that the applicant may be permitted to file a fresh representation stating all the facts and details.

5. Learned counsel for respondents submitted that there is no provision for transfer of one E.D. Agent from one Post Office to another but Ext. R-1(A) provides for ^{transfer only} exceptional circumstances and the claim of the applicant can be considered only if she approaches the authorities by filing representations in accordance with law.

6. Having heard learned counsel for both sides, I am of the view that this application can be disposed of with direction to the applicant to file a detailed representation stating her right for getting a posting as EDSPM at Thirunelloor Post Office. I do so. This shall be done within two weeks from the date of receipt of a copy of the judgment. If such a representation is received by the second respondent, he shall consider and dispose of the same in accordance with law within two months thereafter. Till he passes final order and communicates the order to the

applicant, the interim order passed in this case will be in force.

7. The application is disposed of as indicated above.

8. There will be no order as to costs.

N.D. 2.11.92

(N. Dharmadan)
Judicial Member
2.11.92

kmm