

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 259/2000

Tuesday this the 13th day of June, 2000

CORAM

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

Ramachandran M
Extra Departmental Branch PostMaster,
Perumthuruth PO,
Vaikom.

...Applicant

(By Advocate Mr. P.C. Sebastian)

Vs.

1. The Senior Superintendent of Post Offices,
Kottayam Division, Kottayam.
 2. The Sub Divisional Inspector of Post Offices,
Vaikom Sub Division,
Vaikom.
 3. The Director General of Posts,
Department of Posts,
Dak Bahvan, New Delhi.
 4. The Union of India, represented by
the Secretary,
Ministry of Communications,
New Delhi.
- ...Respondents

(By Advocate Mrs. S. Chitra, ACGSC)

The application having been heard on 13.6.2000 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 is working as Extra
Departmental Branch Post Master (EDBPM for short)
Perumthuruth Post Office has filed this application
challenging the order dated 15.2.2000 by which his
request for transfer to the post of Extra Departmental
Delivery Agent (EDDA for short) Chembu PO was turned down
for the reason that he was posted as Extra Departmental
Packer, Muttuchira on introduction of Vaikom-Kudavechoor

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MMS, that while working there he was transferred to the post of EDBPM, Perumthuruth and that the place where he was sought transfer is not one where he was originally working. The applicant has stated in the application that he is eligible and qualified to be appointed as EDDA, Chembu PO and that as per the instructions contained in the DG's letter which has been interpreted by the Tribunal in O.A.45/98 he is entitled to be considered for transfer to the post without being subjected to selection with outsiders. The applicant has, therefore, sought to quash Annexure.A1 order as also A2 notification through which the second respondent has initiated recruitment process to fill up the post, declaring that the applicant is entitled to be considered for appointment by transfer as EDDA, Chembu PO in terms of A5 instructions and in the light of the orders of the Tribunal in O.A.45/98.

2. The respondents resist the claim of the applicant on the ground that he is not entitled to seek more than two transfers and that the place where the applicant requested for being transferred was not the place from which the applicant was originally posted.

3. We have heard the learned counsel for both the parties and have perused the materials placed on record. The contention of the respondents that the applicant is requesting for transfer for the third time is obviously incorrect because the first posting of the applicant to Muttuchira on introduction of Vaikom - Kudavechoor MMS was even going by the respondents own order and statement ~~was~~ not at his request. He has been transferred and

posted as EDBPM, Perumthuruthy on his request. The present request therefore is the second one. Therefore, even if it is assumed that as per instructions an E.D.Agent can seek only two transfers, this being the second request of the applicant for transfer, the contention of the respondents that the request cannot be acceded to has no force at all. The further contention that as the applicant is not seeking a transfer to a place from where he was rendered surplus his request cannot be acceded to also is without merit because as a working E.D. Agent he is entitled to be considered for appointment to another E.D.Post falling vacant in the same recruitment unit as has been held by this Bench of the Tribunal in O.A. 45 of 1998.

3. In the result, we allow the application, set aside the impugned order A.I and direct the respondents to consider the request of the applicant for transfer as EDDA, Chembu along with any other working E.D.Agents, if any, who might have applied and only in case the applicant or other working E.D.Agents are found ineligible or unsuitable for appointment on the post of EDDA, Chembu recruitment initiated under A.2 shall be made. No order as to costs.

Dated the 13th day of June, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

s.

List of annexures referred to:

Annexure.A1: True copy of letter No.B6/4/P-08 dated 15.2.2000 issued by 1st respondent.

Annexure.A2: True copy of Notification No.DA/Chembu dt.7.2.2000 issued by the 2nd respondent.

Annexure.A5: True extract of letter No.43-27/85 Pen (EDC&TRG) dated 12.9.1998 issued by third respondent.

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