

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 298/98

Wednesday, the 1st day of November, 2000

C O R A M

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

T.R. Rajesh Kumar
Pulickal House
Palarivattom P.O.
Cochin-25

Applicant

By Advocate Mr.K. G. Anil Babu

Vs

1. The Union of India represented by the Secretary
Ministry of Communications, Department of Posts
New Delhi.
2. The Director General of Posts,
Dak Bhavan, New Delhi.
3. The Assistant Postmaster General
Central region, Kochi-16
4. The Assistant Superintendent of Post Offices
Ernakulam Postal Sub Division
Edappally, Kochi-24
5. The Senior Superintendent of Post Offices
Kochi Sub Division, Kochi-1
6. The Assistant Superintendent of Post Offices,
Kochi Sub Division, Kochi-1

By advocate Mr.P R Ramachandra Menon, ACGSC

The application having been heard on 1.11.2000 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 working as Extra Departmental
Delivery Agent-I at the Vallarpadom Branch Post Office made a
request for transfer to the post of Extra Departmental Stamp
Vendor at Kadavanthara Post Office in the same sub Division.
His request was considered and the same was rejected by
letter dated 2.2.98 (Annexure A-II) on the ground that as per
the existing instruction the request for transfer could not

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be acceded to. As the request of the applicant was turned down basing on a letter dated 16.10.97 of the Postmaster General, Central Region, Kochi clarifying that Extra Department Agents are not entitled for being transferred from one place to another except in case of surplus due to abolition of posts the applicant has filed this application seeking to have Annexure A-IV order set aside and for a direction to the fourth respondent to appoint him as the Extra Departmental Stamp Vendor at Kadavanthara Post Office in the existing vacancy by giving a transfer from Vallarpadom Post Office.

2. Respondents have filed a detailed reply statement contending that as per the extant instructions the E.D. Agents are not entitled to be transferred from one place to another.

3. We have heard the counsel on either side. A Division Bench of this Tribunal in O.A. No. 45/98 has held that a working E.D. Agent is entitled to be appointed by transfer to another E.D. Post falling vacant in the same office or in the same station provided he is eligible and suitable to hold that post without being put to a competition with outsiders. This ruling of the Tribunal has not been ~~reversed~~ by any appellate forum. On the contrary the High Court of Kerala has upheld this view in many identical cases. In the light of the above position the contention of the respondents do not stand.

4. In the light of the above, following the decision of the Tribunal in earlier cases we allow the application and direct the respondents to consider the request of the applicant for transfer to the post of Extra Departmental

Stamp Vendor, Kadavanthara Post Office along with similar requests of other working E.D. Agents if any and that recruitment from open market to the post should be resorted to only if the applicant or all the other working E.D. Agents if any, who have similarly applied for such transfer are found ineligible or unsuitable for such appointment. No costs.

Dated the 1st November, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A. V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred in this Order

A-II True copy of order No. B-5/11 dated 22.2.98 of the 5th respondent.

A-IV True copy of the letter No. CC/2-85/96 dated 16.10.97 of the 3rd respondent.