

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.303/2000

Monday, this the 26th day of June, 2000.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

T.Murali,
Extra Departmental Mail Carrier,
Koothali Sub Office,
residing at Parayan Kandi House,
Kalpathur.P.O.
Meppayur, Vadakara.

- Applicant

By Advocate Mr O.V.Radhakrishnan

Vs

1. Superintendent of Post Offices,
Vadakara Division,
Vadakara-673 101.

2. Union of India represented
by its Secretary,
Ministry of Communications,
New Delhi.

- Respondents

By Advocate Ms S Chithra, ACGSC

The application having been heard on 26.6.2000, 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
Mail Carrier, Koothali Sub Office, made a request for transfer
and appointment as Extra Departmental Branch Post Master(EDBPM
for short), Eravattoor B.O. The request of the applicant was
turned down by the impugned order A-2 on the ground that ED
Agents are not eligible for transfer. Agrrieved by that, the

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applicant has filed this application for a declaration that as a working ED Agent, he is entitled to be considered for transfer as EDBPM, Eravattoor and for appropriate directions to the respondents.

2. The respondents have filed a reply statement in which it is stated that as per the extant instructions, ED Agents cannot be transferred. They have further stated that as there is a request for compassionate appointment from dependent of the deceased original incumbent of the post, there is no vacancy to be filled.

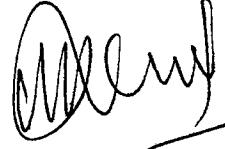
3. We have heard the learned counsel on either side. The impugned order by which the claim of the applicant for transfer has been rejected on the ground that ED Agents are not entitled to be transferred cannot be sustained because in O.A.45/98, this Tribunal has held that a working ED Agent is entitled to be appointed by transfer on another ED post falling vacant in the same station or place if he is eligible and qualified to hold that post in view of the DG, Posts instruction dated 12.9.88. However, this entitlement is subject to the availability of a vacant post to be filled by transfer. Before filling the vacancy created by demise of the incumbent by transfer or otherwise, the claim for compassionate appointment has got to be settled.

4. In the light of the above facts and circumstances, we set aside the impugned order and dispose of this application directing the respondents that if the post of EDBPM, Eravattoor is to be filled otherwise than by compassionate appointment, the claim of the applicant for transfer to that post shall first be considered along with similar request of any working ED Agents and that open market recruitment shall be resorted to only if the applicant or other ED Agents who have applied are not eligible and suitable to hold the post. No costs.

Dated, the 26th of June, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

trs/26600

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

A-2: True copy of the Memo No.B3/Eravattoor dated 1.3.2000 of the 1st respondent.