

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.308/2002.

Tuesday this the 23rd day of July 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Rajan T., GDS Messenger,
Chalissery Sub Post Office,
Palakkad District. Applicant

(By Advocate Shri Shafik M.A.)

vs.

1. Union of India represented by Secretary, Department of Posts, Ministry of Communications, New Delhi.
- 2.. The Chief Postmaster General, Kerala Circle, Trivandrum.
3. The Superintendent of Post Offices, Ottapalam Division, Ottapalam.
4. The Sub Divisional Inspector (P) Mannarghat Sub Division, Mannarghat.

(By Advocate Shri M.Rajendrakumar, ACGSC)

The application having been heard on 23rd July, 2002
the Tribunal on the same day delivered the following:

ORDER

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

The applicant, a resident of Alangad, within the delivery jurisdiction of Kadambazipuram Sub Office was earlier working as Extra Departmental Delivery Agent (EDDA for short), Alangad ED Sub Office. Subsequently, he was appointed afresh as ED Messenger, Chalissery with effect from 6.11.1995. Coming to know that a vacancy of EDDA has arisen in Vettakara Branch Office near to his native place Alangad, the applicant submitted a representation (A4) seeking a transfer. Finding that his representation was not being considered and recruitment action was initiated by issuing a notification, the applicant filed this

application for a declaration that he is entitled to be considered for appointment as Gramin Dak Sevak Mail Deliverer/Mail Carrier (GDSMD/MC for short), Vettakara Branch Office on transfer, in preference to the selection from open market candidates as per letter dated 28.9.2000(A2), issued from the office of the Chief Postmaster General, Kerala Circle, Trivandrum and for a direction to appoint the applicant as GDSMD/MC, Vettakara B.O. by transfer and to set aside the selection proceedings initiated to make recruitment from open market to the said post.

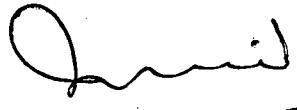
3. The respondents in their reply statement contend that the applicant was while working as EDDA, Alangad removed from service for fraud and irregularities and therefore, he is not eligible to be appointed as GDSMD/MC, a post which would afford him an opportunity to deal with cash. They also contend that the post of GDSMD/MC, Vettakara being in a different recruitment unit, the applicant is not entitled to seek a transfer to that post.

4. We have heard the learned counsel on both sides. In view of the ruling of this Bench of the Tribunal in O.A.1057/99 that, transfer of ED Agents can be had outside the recruitment unit also, learned counsel of the respondents did not press the contention that the applicant is not entitled to seek transfer outside the unit of his recruitment. However, we find that the contention of the respondents that the applicant who has been earlier removed from service for fraud and financial malpractices, cannot be transferred to a post of GDSMD/MC which would involve handling of cash, is well taken. The applicant

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therefore, has no right to claim that he should be granted a transfer to the post of GDSMD/MC Vettakara. However, as and when a vacancy would arise in any ED post which would not involve handling of cash and valuables, the applicant is free to apply for a transfer and the respondents would consider his case even if the post is in another sub division. With the above observations the application is disposed of. No costs.

Dated the 23rd July, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the Memo No.MS/50/2 dt.3.11.95 issued by the SDI, Pattambi Postal Division.
2. A-2 : True copy of the Letter No.ST/120/1/Rigs-VI dt.28.9.2000 issued by the 3rd respondent.
3. A-3 : True copy of the representation dated 2.7.01 submitted before the 3rd respondent.
4. A-3a: True English Translation of the Annexure A-3 representation.
5. A-4 : True copy of the representation dt.28.1.2002 submitted before the 3rd respondent.
6. A-4a: True English Translation of Annexure A-4 representation.

Respondents' Annexures:

1. R-1(a): True copy of the order by Memo No.ED50/23/ dt.14.2.95.
2. R-1(b): True copy of the letter No.43-27/85-Pen (EDC&TRG) dated 12.9.88,
3. R-1(c): True copy of the letter No.19-21/94-ED&TRG dt.11.8.94.
4. R-1(d): True copy of the order in OA 200/2001 dt.20.3.01 of this Hon'ble C.A.T.
5. R-1(e): True copy of the notification Memo No.DA/MC/80/53 dated 28.11.2001.
6. R-1(f): True copy of the DG Posts, New Delhi letter No.17-60/95-ED&TRG dt.28.8.96.

Opp
26.7.02