

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A No.325/1994

Tuesday this the 22nd day of February, 1994.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.D.Sudha,  
EDDA,  
Maroor Branch Office, Elamannoor,  
Pathanamthitta Division. .... Applicant

By Advocate Mr.M.R.Rajendran Nair

vs.

1. Union of India, represented by Secretary to Government, Department of Posts, New Delhi.
2. Director General of Posts, New Delhi.
3. The Chief Post Master General, Kerala Circle, Trivandrum.
4. The Senior Superintendent of Post Offices, Pathanamthitta division, Pathanamthitta. .... Respondents

By Advocate Mr.K.Karthikeya Panicker

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant, at present working as an Extra Departmental Delivery Agent at Maroor seeks transfer/appointment to/at Panthaplavu Post Office as Extra Departmental Branch Post Master.

2. Respondents took the view that she is not entitled to get the reliefs. She moved this Tribunal and we directed the department to reconsider the matter(O.A.71/94). After consideration the impugned order was passed stating that applicant is not eligible for transfer to the post. Though 4th respondent has passed a lengthy order she has not stated any reason for the conclusion that applicant is not eligible. Fourth

respondent seems to think that the order of the Director General namely No.43-27/85-Pen(ED&Trg) dt.12.9.88. supersedes the order of the Post Master General No.STA/102/6-VI/78 dated the 7th November,1978. It is not so.

3. Be that as it may, Annexure.A10 reads:

"2. It has been decided by the Postmaster-General that working ED Agents should be given priority over all other categories except retrenched ED Agents for selection of various ED posts if they satisfy all the conditions prescribed in the Office Letter No.STA/1/28-Rigs., dated 24.10.76, as amended from time to time and if the appointment in the new post is in public interest. The concession is, however, applicable to the following categories of ED Agents only:-

- (i) ED Agents appointed prior to the introduction of the residence condition.
- (ii) ED Agents who had acquired residences in new locality by purchase or inheritance.
- (iii) All women ED Agents who have to shift the residence after marriage."

(emphasis supplied)

4. From this it is clear that an Extra Departmental Delivery Agent should be given priority over all other categories except retrenched E.D.Aagents...." in the matter of fresh appointment. Applicant comes in the eligible category under clause (iii). We quash Annexure A1 and direct 4th respondent to consider the claims of applicant for appointment as Extra Departmental Branch Post Master at Panthaplavu Post Office, in the light of the order extracted above.

5. We have often to find the meaning of expressions used by an authority, most probably without full realisation of the meaning of the expression. For example in Annexure.A10, it is stated:

"when an Extra Departmental Post falls vacant in the same office or in any office in the same place and if one of the existing Extra Departmental Agents prefers to work against

3.

that post, he will be allowed to be appointed against the vacant post...."

The expression place would signify varying connotations in varying contexts. It may mean anything from an 'enclosed space' to 'any part of the surface of earth'. Whether the authority which issued the order meant either of these or anything else, is a matter of anybody's guess. We direct second respondent(Director General of Posts) herein to clarify the meaning of the expression 'place' occurring in letter No. 43-27/85-Pen(EDC & Trg.) dated 12.9.88 by issuing a corrigendum to the aforesaid letter. He shall without fail do this within six months from today. Shri K.Karthikeya Panicker appearing for respondents submits that this will be done so as to avoid uncertainty and ambiguity in future.

6. Application is disposed of with the aforesaid directions. No costs.

Dated the 22nd February, 1994.

*P. Venkatakrishnan*  
P.V.VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

*Chettur Sankaran Nair*  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN