

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.335/2001

Tuesday this the 29th day of May, 2001

CORAM

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

M.Sobhana,
Extra Departmental Delivery Agent,
Naduvattam PO,
Kuttippuram,
Malappuram District.

...Applicant

(By Advocate Mr.Mohan Pulikkal)

V.

1. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram.
2. The Post Master General,
Northern Region,
Calicut.
3. The Superintendent of Post Offices,
Tirur Division, Tirur,
Malappuram District.
4. Union of India, represented by
the Secretary,
Ministry of Communications,
New Delhi.

...Respondents

(By Advocate Mrs.A. Rajeswari)

The application having been heard on 29.5.2001, 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 Delivery Agent, Naduvattom, Kuttippuram has filed this application aggrieved that the respondents without considering her representation for transfer and appointment to the post of Sub Post Master, Naduvattom on the vacancy that would be arising on the retirement of the present incumbent on 3.6.2001 and have taken steps for filling up this post by resorting to recruitment from open market. The case of the applicant is that in terms

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of the instructions contained in the letter of the Director General (Posts) dated 12.9.88 and the decision of the Tribunal in OA 45/98 and other cases, the respondents are bound to consider working E.D. Agents for transfer to ED Posts which fall vacant in the same recruitment unit before making resort to recruitment from open market. Finding that the chances of the applicant for appointment to the post of EDSPM would be defeated if open market recruitment is resorted to, the applicant has filed this application seeking to quash Annexure.A6 notification and for a direction to the respondents to consider the applicant for appointment by transfer as Extra Departmental Sub Post Master, Naduvattam Post Office before resorting to recruitment from open market. It is alleged in the application that the applicant has applied for such transfer by Annexure.A4 representation dated 26.2.2001 and Annexure.A7 representation dated 14.3.2001 and that she satisfies the eligibility criteria for appointment to the post.

2. Though the counsel for respondents took time to file a statement, no statement has been filed till today. The facts not disputed are that the Tribunal has been in OA 45/98 and other cases decided thereafter held that if an E.D. Post fall vacant in the same station or in the same recruitment unit working ED Agents eligible and suitable for appointment and express their willingness to be transferred to that post the post should be filled by considering such transfer and only if working ED Agents who are willing are found to be ineligible or unsuitable, recruitment from open market should be resorted to. Director General (Posts) also issued instructions that before filling up of the vacancies in

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ED Posts the requests of working ED Agents for transfer should be considered. Though the respondents have issued a notification Annexure.A6 on 16.2.01 as the vacancy would be arising only in June, 2001 and as no steps pursuant to Annexure.A6 has been taken, we are of the considered view that interests of justice would be met if the application is disposed of directing the respondents to consider the request of the applicant for transfer and appointment as Extra Departmental Sub Post Master, Naduvattom along with the requests of similar working ED agents if any for such transfer and that recruitment from open market need be resorted to only if the applicant or other working ED Agents who have applied for transfer are found unsuitable or ineligible.

3. In the light of what is stated above, the application is disposed of directing the respondents to consider the request of the applicant for transfer and appointment to the post of Extra Departmental Sub Post Master, Naduvattom along with the requests of similar working ED Agents if any applied for such transfer and that open market recruitment need be resorted to only if the applicant or other working ED Agents if any applied for transfer are found unsuitable or ineligible. No order as to costs.

Dated the 29th day of May, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

List of annexures referred to:

Annexure.A4: True copy of representation dated 26.2.2001 submitted by the applicant to the third respondent.

Annexure.A6: True copy of Memo No.B3/Rectt/EDSO-14 dated 16.2.2001 issued by the third respondent.

Annexure.A7: True copy of the application dated 14.3.2001 submitted by the applicant to the third respondent.

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