

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.343/2001

Friday this the 8th day of June, 2001

CORAM

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

A.K.Bhanu,  
W/o A.V.Kalesan, aged 30 years  
Extra Departmental Mail Carrier,  
Vadacode, Kochi.21.

...Applicant

(By Advocate Mr.Paul Varghese (rep.))

v.

1. Senior Supdt. of Post Offices,  
Ernakulam Division,  
Kochi.11.

2. Postmaster General,  
Central Region, Kochi.11.

3. Director General Posts,  
Department of Posts,  
Ministry of Communications,  
New Delhi.1.

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

5. P.V.Molly, ED Mail Carrier-cum  
Packer, CEPZ Kakkadan PO.

...Respondents

(By Advocate Mr.TA Unnikrishnan)

The application having been heard on 8.6.2001, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, working as Extra Departmental  
Mail Carrier, Vadacode in Ernakulam Postal Sub Division  
made a request for transfer and appointment to the post  
of Extra Departmental Branch Post Master, V.K.Colony.  
His grievance is that overlooking his seniority, the 5th  
respondent who has already been given two transfers  
earlier has been transferred. The applicant has

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therefore, filed this application to set aside the transfer of the 5th respondent as EDBPM, V.K.Colony and for a direction to the 1st respondent to issue orders transferring and posting the applicant to the post of EDBPM, V.K.Colony. It has been alleged in the application that he had more marks than the 5th respondent in the matriculation examination and that the 5th respondent has already been given two transfers earlier and therefore, the 5th respondent is not entitled to be transferred.

2. Taking notice on behalf of the respondents 1 to 4 Shri Unnikrishnan, ACGSC has filed a statement before admission in which it has been contended that the contention that the 5th respondent has been given two transfers earlier is not correct and that he has been given only one transfer and the 5th respondent had obtained 279 marks out of 600 in the matriculation examination and the applicant has got only 232 marks out of 600 and that as the 5th respondent was found to be more meritorious and being entitled to preference on the basis of marks for appointment to the post of EDBPM his selection and appointment cannot be faulted.

3. The applicant has not filed any rejoinder. We have heard the learned counsel appearing on either side. We find that the applicant has not succeeded in showing that the 5th respondent has ~~been~~ previously got two transfers. We have also seen that the 5th respondent has got more marks in the matriculation examination than the applicant. As per the instructions on the

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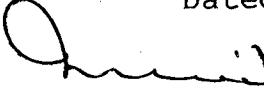
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subject for appointment to the post of EDBPM/EDSPM persons with higher marks in the matriculation examination to be preferred. Under these circumstances, we do not find any infirmity in the action of the respondents in selecting the 5th respondent as EDBPM, V.K.Colony Post Office.

4. In the light of what is stated above, the application is dismissed leaving the parties to bear their own costs.

Dated the 8th day of June, 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)