

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 369 of 2003

Wednesday, this the 18th day of June, 2003

CORAM

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

1. Bindu B. Nair,  
Gramin Dak Sevak Branch Postmaster,  
Kothanallur PO, Kottayam  
Residing at Vathalluparambil House,  
Vazhoor PO, Pin - 686 504 ....Applicant

[By Advocate Mr. P.C. Sebastian]

## Versus

1. The Chief Postmaster General,  
Kerala Circle, Thiruvananthapuram.
2. The Senior Superintendent of Post Offices,  
Kottayam Division, Kottayam.
3. The Superintendent of Post Offices,  
Changanacherry Division,  
Changanacherry - 686 101
4. The Union of India represented by its  
Secretary, Ministry of Communications,  
Department of Posts, New Delhi.

.... Respondents

[By Advocate Mr. Sunil Jose, ACGSC]

The application having been heard on 18-6-2003, 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 Gramin Dak Sevak Branch Postmaster (GDSBPM for short) at Kothanallur PO, Kottayam, coming to know that a vacancy has arisen in the post of GDSBPM Aruvikuzhi PO in Changancherry Division, submitted Annexure A5 representation to the Chief Postmaster General, the Head of Circle, for a transfer to that post on 24-3-2003. Finding that on the basis of a notification dated 6-3-2003 (Annexure A4) action for recruitment from open market had been initiated, the

applicant submitted Annexure A6 representation to the 3rd respondent requesting that the said recruitment action be not proceeded with. Finding that the 3rd respondent is making attempt to fill up the vacancy from open market, the applicant has filed this application seeking to set aside Annexure A4, for a declaration that the applicant is eligible and entitled to be transferred and appointed as GDSBPM Aruvikuzhi PO in preference to outsiders in view of the ruling of this Tribunal in OA No.1057/99 and other cases and for a direction to the 1st respondent to consider the request of the applicant for transfer to the post of GDSBPM Aruvikuzhi PO.

2. Respondents filed a statement. It is contended that the applicant's representation requesting for transfer was received only on 25-4-2003 by the 3rd respondent, while recruitment action had been initiated by Annexure A4 on 6-3-2003 to fill up the vacancy which arose on 5-3-2003. They contend that the action on the basis of Annexure A4 was processed, but the appointment has not been made in view of the interim order issued by this Tribunal.

3. We have heard the learned counsel on either side and have perused the materials placed on record. It is well settled that an ED Agent working in a different recruitment unit can also be transferred to a vacancy which arise in another unit, the only disadvantage being the person so appointed on transfer to a different unit may lose his seniority in the grade. Now that the applicant is a GDSBPM and had also applied for transfer to the post of GDSBPM Aruvikuzhi PO, before proceeding further with the action for recruitment from open market, the claim of the applicant for such transfer has to be considered. Since nobody else's interest is intervened as nobody has been appointed, we dispose of this

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application directing the respondents to consider the request of the applicant for transfer to the post of Gramin Dak Sevak Branch Postmaster, Aruvikuzhi PO and issue appropriate orders. Only in case the applicant is found for any valid reason unsuitable for such transfer, the recruitment from open market shall be resorted to. No order as to costs.

Wednesday, this the 18th day of June, 2003



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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