

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.399/98

Tuesday, this the 7th day of November, 2000.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Narayana Pillai.V.R.  
S/o Ramakrishna Pillai,  
Extra Departmental Mail Carrier,  
Thottabhagam Branch P.O.  
Vellamkulam. - Applicant

By Advocate Ms Deepa.P.

Vs

1. Union of India represented by the  
Director General of Post,  
Department of Post,  
New Delhi.
2. The Chief Post Master General,  
Kerala Circle,  
Thiruvananthapuram.
3. The Senior Superintendent of Post Offices,  
Thiruvalla.
4. The Sub Divisional Inspector of  
Post Office,  
Chengannur Sub Division.
5. Vilasini Amma.V.N.  
Koppattu House,  
Pannialy, Omalloor.P.O.  
Pathanamthitta - 689 647.

By Advocate Mr Sunil Jose, ACGSC( for R.1 to 4)

By Advocate Mr OV Radhakrishnan( for R-5)

The application having been heard on 7.11.2000, the Tribunal  
on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who is presently working as Extra Departmental Mail Carrier, Thottabhagam Post Office, applied for appointment by transfer as Extra Departmental Branch Post Master(EDBPM for short) in the same post office. Finding that his request was not being considered and recruitment was being made by issuing notification, the applicant has filed this application for a declaration that he is entitled to get preference over outsiders sponsored by the Employment Exchange for consideration for appointment as EDBPM, Thottabhagam Post Office and for a direction to the respondents to consider the applicant for appointment as EDBPM, Thottabhagam by transfer in preference to outsiders sponsored by the Employment Exchange.

2. The respondents resist the claim of the applicant on the ground that as per the existing instructions, working ED Agents are not entitled to get a transfer.


3. The question whether a working ED Agent who prefers to work against another ED post which falls vacant in the same place or in the same office is entitled to be transferred and appointed to that post, if he is eligible and qualified to be appointed to that post or has to face a competition along with outsiders in the light of the instructions issued by the DG, Posts dated 12.9.88 was considered by this Tribunal and it was held in O.A.45/98 that a working ED Agent can be appointed by

✓

transfer to another ED post if he prefers to work against that post, provided the post falls vacant in the same office or in the same place and the ED Agent is eligible and qualified, without facing a competition with outsiders. The above ruling of the Tribunal holds the field now.

4. In the result, following the ruling of the Tribunal in O.A.45/98, we allow this application and declare that the applicant is entitled to be considered for appointment by transfer as EDBPM, Thottabhagom Post Office. We direct the respondents to consider the request of the applicant for a transfer and appointment to the post of EDBPM, Thottabhagom Post Office along with the requests of any other working ED Agents who have similarly applied for transfer and that only if the applicant or other working ED Agents are not found eligible and suitable, recruitment from open market should be resorted to. No costs.

Dated, the 7th of November, 2000.

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

trs