

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.399/2001

Dated Monday this the 4th day of March, 2003.

C O R A M

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

B.Sreedharan
S/o Bharathan Panicker
Extra Departmental Delivery Agent
Panacode P.O.
Aryanad Sub Office
Residing at Lekha Sadanam
Kavinpuram
Panacode P.O.

Applicant.

[By advocate Mr.Vishnu S.Chepazhanthiyil]

Versus

1. The Superintendent of Post Offices
South Division of Post Office
Thiruvananthapuram.
2. Chief Postmaster General
Kerala Circle
Thiruvananthapuram.
3. Union of India rep. by
Its Secretary
Ministry of Communication
New Delhi.
4. A.Shakuntala
Extra Departmental Delivery Agent
Panacode P.O.
Aryanad Sub Office.

Respondents.

[By advocate Mr.K.R.Rajkumar for R1 to 3]

The application having been heard on 4th March, 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 who is a member of OBC, working as an Extra Departmental Delivery Agent, understanding that a vacancy of EDBPM in the Panacode P.O. would arise on 20.3.2001, submitted a representation on 27.11.2000 for transfer. He was asked to produce the certificate regarding independent means of income. The applicant complied with that requirement. However, finding that the 4th respondent who had obtained lesser marks than the

applicant in the SSLC examination had been appointed as EDBPM, Panacode P.O., the applicant has filed this application seeking to set aside the appointment of the 4th respondent, for a declaration that the applicant having more marks in the SSLC is entitled to be granted transfer in preference to 4th respondent and that the applicant is entitled to be considered for transfer to the post of EDBPM and for a direction to the respondents to consider and pass appropriate orders on his representation.

2. Respondents in their reply statement seek to justify the appointment of the 4th respondent on the ground that as the ST community was not at all represented in the 149 posts, the 4th respondent who is a member of ST although got lessor marks than the applicant was appointed against the reserved vacancy.

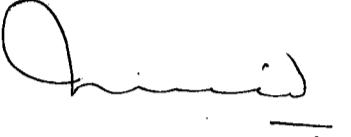
3. The applicant in his rejoinder contends that the post was not reserved for ST and that there was no separate roster maintained for each category of ED Agents.

4. We have gone through the pleadings in this case. The official respondents are competent to say what are the number of posts in the category and whether there is any person belonging to ST category holding the post. They have clarified these aspects in the reply statement. Since there was no one in the ST category under EDBPM/SPM where at least one is to be represented, we do not find any error in the respondents appointing the 4th respondent against the shortfall vacancy reserved for ST.

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5. In the light of what is stated above, finding no merit, this application is dismissed, leaving the parties to bear their respective costs.

Dated 4th March, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

aa.


A.V. HARIDASAN
VICE CHAIRMAN