

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.409 of 1999.

Tuesday this the 4th day of July 2000.

CORAM:

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

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

R. Mohanachandran Pillai,
Extra Departmental Mail Carrier,
Chelikuzhy B.O., Nedumon.

Applicant

(By Advocate Shri. Sasidharan Chempazhanthiyil)

Vs.

1. Sub Divisional Inspector of Post Offices, Adur Sub Division, Adur.
2. Senior Superintendent of Post Offices, Pathanamthitta. Respondents

(By Advocate Shri. A. Sathianathan, ACGSC)

(The application having been heard on 4th July 2000
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, an Extra Departmental Mail Carrier, (EDMC for short) Chelikuzhy P.O. sought a transfer to the post of Extra Departmental Delivery Agent (EDDA for short), Chelikuzhy coming to know that a vacancy in that post has arisen. His request was not considered and the respondents initiated steps to fill up the post by issuing A-1 notification. At that stage, the applicant has filed this application seeking to have the A3 notification set aside and for a direction to the first respondent to consider the applicant for appointment by transfer to the post of EDDA, Chelikuzhy declaring that he is entitled to be considered for such transfer.

2. The respondents in their reply statement have indicated that as per the extant instructions, there is no provision for transfer of an ED Agent from one post to another and as required under the instructions, steps have been taken for filling up of the vacancy, but it has not completed owing to the pendency of the O.A. The respondents contend that the applicant is not entitled to the reliefs sought for.

3. This Tribunal has in its order in O.A. 45/98 held that a working ED Agent, if he satisfies the eligibility criteria and is found eligible and suitable for appointment to another ED post falling vacant in the same place or in the same station, he can be appointed by transfer without being subjected to a process of selection with outsiders. We find that the facts situation is identical and therefore, we do not find any reason to deviate from the view taken in O.A. 45/98.

4. In the result, the contention of the respondents are rejected. The application is allowed and the respondents are directed to consider the applicant for transfer to the post of EDDA, Chelikuzhy alongwith other ~~ED Agents~~ who have similarly applied for transfer and that open market recruitment should be resorted to, only if the applicant and similarly situated ~~ED Agents~~ are found to be ineligible and unsuitable. No costs.

Dated the 4th July 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure A1: Photo copy of the appointment order No. MC/BO-12 dated 22.5.85.

Annexure A3: True copy of the Notice No. DA/BO/5 dated 13.3.99 issued by first respondent.