

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA No.310/00756/2015

Dated 6th day the Friday of November Two Thousand Fifteen

P R E S E N T

**HON'BLE MR. JUSTICE B. SESHASÁYANA REDDY, Member (J)
&
HON'BLE DR. P. PRABAKARAN, Member(A)**

S. Gurunathan,
S/o. K. Swaminathan,
No:21, Bakthavachalam Street,
10th Cross Street, Tagore Nagar,
Puducherry,

... Applicant

By Advocate : M/s. I. Sathish

Vs.

- 1) Union of India through
Department of Posts,
Ministry of Communications & Information Technology,
Recruitment Division,
Dak Bhawan, Sansad Marg,
New Delhi- 110 001;
- 2) Chief Postmaster General,
Tamilnadu Circle,
Chennai- 600 002;
- 3) Assistant Director (Recruitment),
O/o. the Chief Postmaster General,
Tamilnadu Circle,
Chennai- 60 02;
- 4) The Superintendent of Post Offices,
Pollachi Division,
Pollachi- 642 001.

... Respondents

By Advocate : Mr. G. Dhamodaram

ORDER

(Pronounced by Hon'ble Mr. Justice B. Seshasayana Reddy, Member(J))

This Original Application is filed by S. Gurunathan Under Section 19 of the Administrative Tribunal's Act 1985 seeking direction to the 4th Respondent to appoint him as Postal Assistant at Pollachi Division.

2. The applicant applied to the post of Postal Assistant pursuant to the notification dated 21.2.2014. Candidates who are selected along with the applicant have been issued appointment orders. However, appointment order has not been issued to the applicant and therefore he approached this Tribunal invoking the jurisdiction under Section 19 of the Administrative Tribunal Act, 1985.

3. Notice to the respondents came to be ordered on 09.06.2015.

4. Respondents entered appearance through counsel and placed on record a short reply.

B. S. Reddy

5. It is stated in the reply that the applicant has been informed of the reasons for cancellation of the provisional selection. For better appreciation, we may refer to paras 11 & 12 of the reply statement and it is thus:-

"11. In order to select the applicant, a Basic Governmental record is essential to rely upon (Government Gazette Notification) and hence fourth respondent addressed the District Collector, Karaikal District to clarify whether French is the local language of Pondicherry vide his letter no.B1/Rect 2013-14/Dlgs dated 21.05.15. A reply was also received from the District Collector, Karaikal District that as the subject matter is dealt by the Home Department the letter has been forwarded to the Under Secretary to Govt. (Home), Chief Secretariat, Puducherry. While waiting for reply from Secretary to Government (Home) Chief Secretariat, Puducherry, the respondent two herein got the Puducherry official languages Act 1965 through the SSPOs, Pondicherry Division. The applicant had been informed of instruction of para 9 (b) of Postal Directorate notification dated 21.2.2014 which emphasis on study of local language or Hindi in Matriculation or equivalent vide letter No. B1/Rectt/13-14 dated 26.2.15 of respondent 4. Further, when he attended Certificate Verification he was informed orally about referring the matter to Secretary to Govt (Home), Chief Secretariat, Puducherry. The applicant after knowing all these facts pretends that he does not know reasons for not issuing appointment order to him by Fourth respondent. The applicant contends that he possesses more than the requisite qualification for the post of Postal Assistant. More qualification does not entitle a candidate for selection and no weightage is given for more qualification. A candidate has to possess atleast the minimum following educational qualification to become eligible for PA as per PA/SA recruitment rules:-

a. 10+2 standard or 12th class pass from a recognized university or Board of School Education or Board of Secondary Education with English as compulsory subject (excluding vocational streams).

b. The applicant should have studied local language of the State or Union Territory of the concerned Postal Circle or in Hindi as a subject at least in Matriculation level or equivalent.

12. Since the applicant has studied French upto Matriculation level and did not study in local language of the State or Union Territory or Hindi upto Matriculation level he was not offered with appointment pending clarification from

Government of Puducherry. All other candidates who attended the certificate verification on 4.3.15 and who fulfilled the above minimum educational qualification have been issued with appointment orders."

6. During the course of hearing, learned counsel appearing for the respondents placed on record the Memo communicated to the applicant and other similarly situated persons, who have been removed from the select list. Since respondents issued Memo to the applicant assigning the reasons, it is left open to the applicant to assail the Memo No.B1/RECTT/2014 DATED AT POLLCHI 642 001 THE 27.4.15. Accordingly, this Original Application is disposed of reserving the liberty to the applicant to assail the Memo No.B1/RECTT/2014 DATED AT POLLCHI 642 001 THE 27.4.15. There shall be no order as to costs.