

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 417 of 2003

Monday, this the 22nd day of September, 2003

CORAM

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

1. Rabiya A,
W/o Moideen Kutty,
Residing at Ekkarakudy House,
Adimali PO, Pin - 685 561Applicant

[By Advocate Mr. V.K. Muhammed Yousef]

Versus

1. The Sub Divisional Inspector of Post Offices,
Munnar Sub Division, Idukki Postal Division,
Munnar (Kerala) PO, Pin - 685 612
2. T.D. Jose,
Sub Divisional Inspector of Post Offices,
Munnar Sub Division, Idukki Division,
Munnar (Kerala), Pin - 685 612
3. The Superintendent of Post Offices,
Idukki Division, Thodupuzha, Pin - 685 584
4. The Union of India, represented by Secretary,
Ministry of Communications,
Department of Posts, New Delhi.
5. Smt. Manju Issac,
Gramin Dak Sevak Messenger,
Adimali PO, Pin - 685 561,
Residing at Maracherry House,
Mannamkandam PO, Adimali - 685 561 Respondents

[By Advocate Mr. C. Rajendran, SCGSC (R1 to R4)]

The applicant, who was a candidate for appointment to the post of Gramin Dak Sevak Messenger (GDSM for short), Adimali PO, has filed this application challenging the appointment of the 5th respondent on the ground that preference was given to the 5th respondent ignoring the superior merit of

the applicant, who had obtained 405 marks out of 600 in the SSLC examination while the 5th respondent has got lesser marks, on account of the favouritism shown by the 2nd respondent because the mother of the 5th respondent is a member of the Union of which the 2nd respondent also is a worker. According to the applicant, rejection of her candidature and the preference given to the 5th respondent is arbitrary, irrational and the action is liable to be struck down. With these allegations, the applicant has filed this application seeking to quash the appointment of the 5th respondent declaring that the applicant is entitled to be preferred to the 5th respondent for appointment and to direct the respondents to consider the applicant's claim for selection and appointment as GDSM, Adimali on merits.

2. The official respondents have filed a reply statement in which it has been contended that the applicant was not qualified to be selected and appointed as GDSM for she did not know cycling as has been indicated by herself in her application against Col.19. Although the 5th respondent has obtained less marks in the SSLC examination, she was found to be suitable for the post as she knew cycling and was the most meritorious among the candidates who had the requisite qualifications. The selection having been done bonafide in accordance with law and the allegation of malafides being baseless, the official respondents plead that the OA may be rejected.

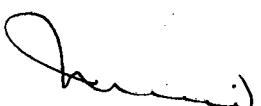
3. On a careful scrutiny of the materials placed on record, we find that there is absolutely no basis for the challenge of the applicant to the selection and appointment of the 5th respondent. Although the 5th respondent has got lesser marks than the applicant in the SSLC examination, she possessed

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the requisite qualifications and ability to ride cycle. Ability for cycling is an essential qualification for discharge of the duties of a GDSM because messages will have to be delivered by the Messenger. We find no infirmity even, *prima facie*, in the process of selection and therefore, find no reason to admit the application.

4. In the result, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Monday, this the 22nd day of September, 2003


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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