

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 422 of 2003

Wednesday, this the 18th day of June, 2003

CORAM

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

1. R. Sheela Devi,
W/o Vijayan,
residing at Thoppumpady,
Safaiwala, INS Venduruthy,
Naval Base, Kochi-4Applicant

[By Advocate Mrs. N. Shobha]

Versus

1. The Flag Officer Commanding in Chief,
Headquarters, Southern Naval Command,
Naval Base, Kochi-4
2. The Chief Staff Officer
(Personnel and Administration),
Headquarters, Southern Naval Command,
Naval Base, Kochi-4
3. Civilian Establishment Recruiting Committee
represented by its President, Headquarters,
Southern Naval Command, Naval Base, Kochi-4
4. P.P. Mariakutty, Peon,
Base Victualling Yard (Kochi),
Naval Base, Kochi-4
5. Union of India, represented by its
Secretary, Ministry of Defence,
New Delhi.Respondents

[By Advocate Mr. C. Rajendran, SCGSC (R1 to R3 and R5)]

The application having been heard on 18-6-2003, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Safaiwala, INS Venduruthy, Naval Base, Kochi, has filed this application challenging Annexure A1 order dated 24-2-2003, by which one Shylakumari and the 4th respondent have been selected for appointment to the post of Peon, to the extent the 4th respondent has been selected


ignoring the alleged superior merit of the applicant as reflected, according to her, in the proceedings of the Selection Committee. It is alleged in the application that the applicant came to know that the name of the 4th respondent was placed last in the merit list prepared after the written examination and that the applicant, whose name was placed at Sl.No.2, really was required to be selected and appointed in the place of the 4th respondent. With these allegations, the applicant has filed this application seeking to set aside the selection of the 4th respondent by Annexure A2 order.

2. We have heard the learned counsel of the applicant and perused the averments in the application and annexures appended thereto. We have also heard Shri C.Rajendran, learned SCGSC appearing for respondents 1 to 3 and 5.

3. The post of Peon in Group 'D' is to be filled 75% by absorption of those who are working as Safaiwalas, Chowkidars and Watchmen etc. who have passed middle school standard and borne on regular establishment subject to certain conditions, failing which by direct recruitment. The selection is to be made through a departmental examination to ascertain that the individuals possess elementary literacy and give proof of ability to read in Hindi, English or regional language and have put in five years service in the grade. It is not disputed that the 4th respondent has ^{Crossed}~~caused~~ the threshold of possessing elementary literacy and proof of ability to read in Hindi, English or regional language and has put in five years of service. From Annexure A5 list, it is evident that the 4th respondent was selected, while the applicant was not selected. No allegation of malafides has been made against the Selection Committee. No reason also has been stated as to why the Committee should give any undue preference to the 4th

respondent and deny the benefit to the applicant. Shri C.Rajendran, learned SCGSC appearing for the official respondents stated that once the officials in the cadre of Safaiwalas, Chowkidars and Watchmen etc. have ^{cleared} ~~crossed~~ the eligibility criteria of elementary literacy and given proof of ability to read in Hindi, English or regional language and have put in five years of service, then the seniority will be the criterion for appointment. Since appointment to the post of Group 'D' from the lower grade is by absorption, we do not find any infirmity in appointing a person who is senior. That the 4th respondent is senior to the applicant is not disputed. Under these circumstances, we do not find any legitimate grievance of the applicant which calls for admission of this application and further deliberation. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Wednesday, this the 18th day of June, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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