

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 460 of 1995

Thursday, this the 25th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. K. Geetha,
Vilakkupadath Kokkoori House,
Chelakode PO, Via. Pazhayannur,
Trissur District. .. Applicant

By Advocate Mr. O.V. Radhakrishnan

Versus

1. Sub Divisional Inspector of Post Offices,
Wadakkancherry.

2. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.

3. K.R. Parukutty,
Extra Departmental Branch Postmaster,
Chelakode PO., Via. Pazhayannur,
Wadakkancherry Sub Division, Trissur.

4. Senior Superintendent of Post Offices,
Trichur Division,
Trichur. .. Respondents

By Advocates Mr. PR Ramachandra Menon, ACGSC (R1,2 & 4) &
Mr. P Ramakrishnan (R3)

The application having been heard on 25th July 1996
the Tribunal on the same day delivered the
following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges the appointment of 3rd
respondent as Extra Departmental Branch Postmaster,
Chelakode, as also Annexure A-9 order rejecting her claim
for appointment.

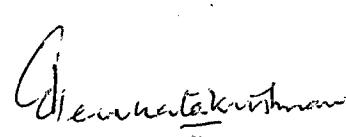
2. 3rd respondent with only 250 marks in the S.S.L.C.
was selected, while applicant had 311 marks, on the ground

that she had produced a certificate of personal income. Applicant failed to produce a certificate of personal income. Adequate means of livelihood is a necessary qualification for appointment. Applicant approached this Tribunal by OA 283/92 and the Tribunal ordered consideration of her case. Later OA 623/94 also filed by applicant and that was disposed of with a direction to the Chief Postmaster General, to examine the matter and pass appropriate orders. Annexure A-9 order was then passed.

3. This is a case where much may be said on both sides. But, the fact remains that applicant had not produced the certificate that was required to be produced at the appropriate time. She produced a certificate (A-4) only much later on 17.3.93. Applicant did not satisfy the requirements at the time of selection. At the same time 3rd respondent had satisfied the requirements. Satisfying the qualifications at a time long past the material time, will not make applicant eligible for appointment, notwithstanding the higher marks, and not even notwithstanding the earlier directions issued by us to consider her claim. This is more so, when the appointment of 3rd respondent was not otherwise bad. Incidentally, if marks were the only qualification, then there is another candidate with much higher marks than applicant.

4. In these circumstances, we do not consider that this is a fit case to exercise the discretionary jurisdiction in favour of applicant. We dismiss the application. Parties will suffer their costs.

Dated the 25th July, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

1. Annexure - A4: True copy of the income certificate No.Dia.5283/90/A4 dated 17/3/93 to the Tahsildar Thalappilly Taluk.
2. Annexure -A9: True copy of the Order No.CC/2-44/94 dated 6/10/94 of the 2nd respondent.