

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 470/99

Monday this the 16th day of July, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Gangadharan P.K.
Polookara House
Nadathara P.O.
Thrissur 680 751.

Applicant

[By advocate Mr.O.V.Radhakrishnan]

Versus

1. Assistant Superintendent of Post Offices
Thrissur South Postal Sub Division
Thrissur.
2. Senior Superintendent of Post Offices
Thrissur Postal Division
Thrissur.
3. Director General of Posts
Dak Bhavan, Sansad Marg
New Delhi.
4. Sathchith
Extra Departmental Delivery Agent
Nadathara Sub Office
Nadathara.

Respondents.

[By advocate Mrs. S.Chithra, ACGSC(R1 to 3)
[Mr.P.Ramakrishnan for R4.]

The application having been heard on 16th July, 2001,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks the following reliefs:

- i. To call for the records relating to the selection and appointment of 4th respondent to the post of Extra Departmental Delivery Agent, Nadathara S.O. and A-10 memo dated 28.1.99 of the 1st respondent and to set aside the same.
- ii. To declare that the 4th respondent was not eligible to be considered for selection to the post of Extra Departmental Delivery Agent, Nadathara S.O. in view of A-9 order dated 8.2.99 which is clarificatory.

- iii. To issue appropriate direction or order directing the 1st respondent to select and appoint the applicant to the post of Extra Departmental Delivery Agent, Nadathara S.O. in preference to and in the place of the 4th respondent.
- iv. To grant such other reliefs which this Hon'ble Tribunal may deem fit, proper and just in the circumstances of the case.
- v. To award costs to the applicant.

2. The applicant was initially engaged as a part-time mazdoor for delivery of telegrams in the year 1992. Subsequently he was engaged on purely temporary and adhoc basis as Extra Departmental Delivery Agent, Nadathara. He says that the selection and appointment of the 4th respondent to the post of EDDA, Nadathara are illegal and arbitrary. The educational qualification for selection and appointment to the EDDA is 8th standard. Preference will go to candidates with matriculation qualification. The 4th respondent is not a matriculate or SSLC holder. A-9 dated 8.2.99 is to be understood in the same sense exactly as if it had read from the beginning thus clarified.

3. Official respondents resist the OA contending that at the time of selection there was no specific ruling as to whether THSLC can be treated on par with SSLC in connection with Extra Departmental selection. Educational authorities were consulted and the authorities issued an order that for the purpose of public appointments THSLC is considered as equivalent to SSLC. The selected candidate has 55% marks in THSLC examination. The applicant is not the most meritorious candidate. Selection to the post of EDDA is based on merit.




4. The 4th respondent contends that JTSLC is equivalent to SSLC and that he was selected on account of his superior merit.

5. Learned counsel appearing for the applicant submitted that the 4th respondent has passed JTSLC which is renamed as THSLC and that is not equivalent to matriculation and the 4th respondent is not entitled to get any preference on the basis of having the matriculation qualification. A-9 is relied on on this aspect by the applicant. A-9 is dated 8.2.99. It says that THSLC is not recognized as equivalent to matriculation examination. The official respondents have produced R-4. It is dated 28.9.99. It says that A-9 dated 8.2.99 may be treated as withdrawn. That being so, in the light of R-4, A-9 has lost its significance and the applicant cannot rely on the same.

6. Official respondents have clearly stated that the applicant was not the most meritorious candidate and selection to the post of EDDA is based on merit.

7. What could be seen from the materials available is that the selection was made on the basis of merit.



8. The stand of the applicant that the 4th respondent is not possessed of qualification equivalent to matriculation cannot be accepted. There is also no ground to hold that the selection was not based on merit. That being so, this OA is only to be dismissed.

9. Accordingly the OA is dismissed.

Dated 16th July, 2001.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-10 True copy of the Memo No.DA/SO-22 dated 28.1.99 of the 1st respondent.
- A-9 True copy of the letter No.17-19/99 ED & Trg dated 8.2.99 of the 3rd respondent.
- R-4 DG (Posts)' letter No.19-17/99 ED & TRG dated 28.9.99.