

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 487/92

Date of decision: 11-8-1993

Rameshkumar VG

-Applicant

Mr VD Sathesean

- Advocate for applicant

Versus

- 1 Assistant Superintendent of Post Offices, Ernakulam Sub- Division, Edappally.
- 2 The Chief Postmaster General Kerala Circle, Thiruvananthapuram
- 3 Superintendent of Post Offices, Ernakulam Division.
- 4 The Postmaster General Central Region, Kochi
- 5 Union of India represented by Secretary, Ministry of Communication, Central Secretariat, New Delhi -Respondents

Mr K Karthikeya Panicker, ACGSC :Advocate for respondents

CORAM

HON'BLE MR N DHARMADAN, JUDICIAL MEMBER

AND

HON'BLE MR R RANGARAJAN, ADMINISTRATIVE MEMBER

JUDGMENT

N DHARMADAN, J.M

Applicant, who is a regularly appointed as Extra Departmental Delivery Agent (EDDA, for short) in Kuttikattukara P.O., has filed this O.A. under Section 19 of the Administrative Tribunals Act of 1985, challenging Annexure 5 order, by which it was proposed to terminate his services on the basis of some complaints and further inquiry.

2 According to the applicant, he worked as EDDA in the same Post Office for some time and when regular

selection was initiated by the 1st respondent, he filed O.A. 1204/90 apprehending that he will not be considered for regular selection. That case was heard and allowed at the admission stage by Annexure-1 judgment directing the first respondent to consider the applicant also for regular selection in the said Post Office. Accordingly, in the regular selection, the applicant was selected and appointed. He joined duty on 18.3.91. After about a year of service, Annexure-5 has been issued, calling upon him to show cause why his services should not be terminated. On receipt of the above order, he has filed Annexure-6 representation on 18.3.92 before the first respondent. Since no reply has been received from the concerned authority, he approached this Tribunal with this O.A.

3 Respondents have filed a reply statement. In para-7, they have stated the reason for the selection of the applicant.

" 7. The candidates directed by the CAT will turn out to be 35 years of age very soon and for him to find an employment in a State Govt. is very remote when comparing the candidates appeared for the interview. In his case, he has also got experience in the field as he worked as substitute EDDA Kuttikattukara for some time. Considering all these, I select Shri VG Rameshkumar, Vellepillil House, Kuttikattukara as the most suitable candidate for the regular appointment as EDDA Kuttikattukara."

4 When we have asked the ^{Learned} counsel as to what irregularities have been committed ^{in this} ~~for~~ selection of the applicant, ^{Learned} counsel for respondents have brought to our notice the statement in para-9 of the reply statement, which reads as in page-3.

"9. The selection proceedings were reviewed by PMG's Central Region and it was observed that the selection was irregular. The applicant had secured the lowest marks in SSLC Examination amongst the candidates appeared for interview. He does not come any preferred category. The Hon'ble CAT had only directed to consider him in the interview. Ignoring all standing instructions, the applicant was selected on the ground of age and past experience, for which no instruction exists. ASP Sub division was asked to terminate the services of the applicant. But as per the interim order dated 26.3.92 in O.A.No.487/92, the official was not terminated from service and he is still continuing in the post."

5 After careful consideration of the pleadings and arguments, we are satisfied that there is no irregularity in the selection warranting dislocation of the applicant.

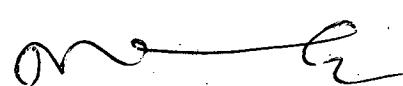
The applicant, having some experience on account of his past service was found to be the best candidate for selection, and the first respondent after considering all aspects, in the light of the above said guidelines, selected the applicant and appointed him as EDDA. Later on, on the basis of some complaints, the Postmaster General, Central Region, appears to have examined the appointment of the applicant and came to the conclusion that the selection was made solely on the basis of marks obtained by him in the SSLC and also giving weightage for his past service, under the rules.

6 In the facts and circumstances of the case, we are unable to sustain these two reasons stated in the reply statement. As indicated above, since there is no irregularity in the regular selection, we see no reason to uphold the Annexure-5 order ^{Abusing by} ~~of termination~~. It has been repeatedly held by this Tribunal that proper selection ^{not by the complaint authority} cannot be ^{Granted by} ~~Opposed~~ simply on the basis of complaints filed by

candidates.

7 In view of what has been stated above, we are unable to support the stand of the respondents and accordingly, we quash Annexure-5. Since the applicant is continuing on the basis of the Interim Order, no further direction is necessary.

8 Application is allowed. There shall be no order as to costs.



R RANGARAJAN
ADMINISTRATIVE MEMBER



N DHARMADAN
JUDICIAL MEMBER

11-8-1993

P/11-8

LIST OF ANNEXURES

1. Annexure-1 Copy of judgment dated 21.12.90
of this Tribunal rendered in
DA 1204/90
2. Annexure- 5 Copy of Mo No.DA/ Kuttikattukara dated
12.3.92, Ernakulam Sub Division,
of Office of the Asst. Supdt. of
Post Offices.