

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 519 of 2004

Monday, this the 12th day of July, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. P.G. Mukundu,
S/o P. Gopala Pillai,
GDSMD, Cheeranikara PO, Vembayam-695615
Residing at Mukundalayam, Cheeranikara PO,
Vembayam-695615Applicant

[By Advocate Mr. Sasidharan Chempazhanthiyil]

Versus

1. Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram-1
2. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. Director General,
Postal Department, New Delhi.
4. Union of India, rep. by its Secretary,
Ministry of Communications, New Delhi.
5. C. Sivadasan,
Senior Superintendent of Post Offices (Retd),
Sithara, KC/IX/1087, House No.125,
Harisree Nagar, Kollam-691001Respondents

[By Advocate Mr. Sunil Jose, ACGSC]

The application having been heard on 12-7-2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, GDSMD Cheeranikara PO, participated in the selection for the post of Postman for 17 vacancies (16 for departmental candidates and 1 for outsider, viz. EDA). In the process of selection, as no departmental candidate qualified, by an order dated 2-1-2003 (Annexure A3) only one GDSMD, Shri C.Ajithakumar, was appointed. The applicant sought information regarding his marks and he was by Annexure A1 letter dated

17-1-2003 informed that he had obtained a total of 129 marks. Thereafter, finding that 10 EDAs were appointed against the departmental quota thrown upon to outsiders on merits, the applicant submitted Annexure A6 representation to the Chief Postmaster General alleging that there are widespread rumours that the answer papers were not properly valued. This representation has not been considered and disposed of. In the meanwhile, he understood that all the 16 vacancies have been filled by appointing GDSs as per the details of marks furnished in Annexure A5. Alleging that the non-publication of the result of the selection and non-selection of the applicant was on account of the malafides of the 5th respondent, who was about to retire in December 2003 and had been heard to have solicited EDAs who participated in the examination, the applicant has filed this application seeking a direction to the 2nd respondent to order a fresh valuation of the answer books of the EDAs who participated in the Postman test held on 24-11-2002 in Thiruvananthapuram North Postal Division, to revalue the answer books of the OBC candidates of the test and to order revaluation of the answer books of the applicant and also to direct the 2nd respondent to consider and pass orders on Annexure A6 representation.

2. Shri Sunil Jose, learned ACGSC took notice on behalf of the respondents. Shri Sunil Jose opposed admission of this application and stated that apart from a mere averment of the applicant that he heard that there has been malpractices, no tangible material has been brought on record, even to create a suspicion that the selection has not been properly held and therefore this application cannot be maintained.

3. On going through the pleadings and materials placed on record and on hearing the learned counsel on either side, we find that the submission of the learned counsel of the

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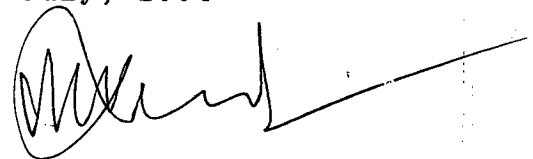
respondents has considerable merit and force. Apart from a wishful thinking on the part of the applicant that there has been malpractices which is based on, even according to him, a rumour, we do not find any reason to suspect that the 5th respondent has not made a proper selection. The applicant was on 17-1-2003 itself informed that the marks he got was 129. If he had any suspicion that his answer book has not been properly valued, he immediately would have sought a relief in that regard with the higher authorities. That has not been done. Even when he allegedly heard widespread rumours about the improper manner of selection in January, 2003, the applicant has not raised any complaint immediately. He send Annexure A6 representation to the Chief Postmaster only in the year 2004. We are of the considered view that there is no material on which the Tribunal can entertain this application. His claim of improper valuation is barred by limitation because by Annexure A1 dated 17-1-2003 he was informed that he got only 129 marks. He did not challenge that. The last person appointed belonging to OBC has got 130 marks, while the applicant has got only 129 marks. Hence, on merits too the applicant apparently has no case at all.

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

Monday, this the 12th day of July, 2004

H.P. DAS

ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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