

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.523/2006

Monday this the 31st day of July, 2006.

CORAM:

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

1. S.V.Ashalakshmi
W/o.Vijayakrishnan, Officiating
Inspector/Posts, Pathanamthitta
Postal Division, Pathanamthitta.
2. P.Chithra Nainan,
W/o.Korasan A Kunneth
Officiating Inspector/Posts
Kottayam Postal Division,
Kottayam.
3. V.S.Santhosh,
S/o.Surendran, Sorting Assistant,
RMS/TV Division, Kottayam.

... Applicants

By Advocate Mr.T.C.G.Swamy

V/s.

1. Union of India, rep. by the Secretary
To the Government of India,
Ministry of Communication,
Department of Posts, New Delhi.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. The Superintendent of Post
Offices, Pathanamthitta Postal
Division, Pathanamthitta.
4. Senior Superintendent, RMS/TV
Division, Trivandrum.

5. Assistant Director (Rec'tt),
Office of the Chief Postmaster
General, Trivandrum.

... Respondents

By Advocate Mr.S.Abhilash

This OA having been heard on 31st July, 2006, the Tribunal on the same day delivered the following:-

ORDER

Hon'ble Mrs.Sathi Nair, Vice Chairman

The Three applicants participated in the Inspector Posts competitive examination conducted during the period from 12.8.2005 to 14.8.2005 and the results were communicated by Annexure A-8 letter dated 12/6/2006. The applicants have prayed for communication of the marks obtained by them after paying the requisite fees in terms of Annexure A12 Rules and Annexure 13 order of the Government of India. The main contention of the respondents is that the applicants who were recruited as Postal Assistants in the year 1998 and the CAT by its order in OA 1689/98 had quashed the Selection and two OP No.19088/2001 filed by Department and OP No.15382/2001 file by Shri V.V.Jitendra & Ors are pending before the Hon'ble High Court of Kerala, and thus their initial recruitment itself as Postal Assistants is under dispute, and hence their marks could not be communicated and the applicants were allowed to participate in the examinations only provisionally.


2. The Counsel for the applicant has brought to our notice the instruction dated 15/2/2006 from the Department of Posts with reference to (Annexure A-13) Communication of marks to provisional candidates, and

submitted that it has now been decided that marks can be communicated to provisional candidates as well, which will help the cause of increasing transparency in the system. However, while communicating the marks to a provisional candidate, after payment of the prescribed fee, it may be ensured that he/she is made to understand that communication of marks, in no way, confers any right on him/her for claiming regularisation of his/her candidature.

3. In the light of this decision communicated by above order, we find that the objection that has been raised by respondents that the marks cannot be communicated to provisional candidates has no relevance.

4. The communication of marks will not confer any right of regular appointment as already stated in the aforesaid instruction and this fact can be incorporated by the respondents in the order of communication.

5. Hence, we dispose of this OA by directing the respondent no.2 or any other Competent Authority to communicate the marks of the Examinations for the post of Inspector of Posts competitive examination held from 12.8.2005 to 14.8.2005, to the applicants within a week from today. No costs.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abp