

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.554/03

Tuesday this the 8th day of July, 2003

C O R A M :

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Anitha Chacko,
GDS Stamp Vendor,
Museum Post Office,
Thiruvananthapuram.

Applicant

(By advocate Ms.Perly Jose)

Versus

1. Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram - 695 001.
2. Assistant Superintendent of Post Offices,
Central Sub Division,
Thiruvananthapuram - 695 036.
3. Sub Postmaster,
Museum Post Office, Thiruvananthapuram.
4. Union of India, represented
by its Secretary,
Ministry of Communications,
New Delhi.

Respondents

(By advocate Mr.C.B.Sreekumar,ACGSC)

The application having been heard on 8th day of July, 2003
the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant is working as a Substitute G.D.S.Stamp Vendor in the place of one Shri.Asok Kumar, who being a union leader, is apparently on intermittent leave. She has been continuing as substitute G.D.S.Stamp Vendor since 1994 in this manner. As per Annexure A2 notification the second respondent has called for applications from open market for the post of G.D.S.Stamp Vendor at Thiruvananthapuram, Museum Post Office for provisional appointment. The applicant also applied as per A3. The applicant did not disclose the fact that she was a substitute

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G.D.S.Stamp Vendor inspite of a specific query regarding appointment, if any, held. After putting in her application, the applicant made Annexure A4 representation dated 30.6.03 with a request to the second respondent to consider her experience as a substitute while selecting the candidates for appointment as G.D.S.Stamp Vendor at Thiruvananthapuram, Museum Post Office. The applicant has filed this application seeking a declaration from this Tribunal to the effect that she is entitled to continue on provisional basis till a regular selection is made and a direction to the respondents to take action accordingly. The applicant also seeks a direction to the second respondent to consider Annexure A4 along with Annexure A3 and consider her past service as substitute for the purpose of provisional appointment.

2. When the matter came up for consideration, Shri.Vishnu S Chempazhanthiyil, counsel for the applicant stated that although for the purpose of appointment as G.D.S.Stamp Vendor, service as substitute is not to be considered, ~~and~~ in a case where the applicant's rating is equal to the otherwise most eligible candidate, his service as substitute should weigh as additional consideration, according to the counsel. The counsel's limited argument is therefore that the applicant's A-4 representation dated 30.6.2003 be considered.

3. Shri.C.B. Sreekumar,ACGSC takes notice for the respondent and has stated that OA is not maintainable since the applicant, being a substitute, does not have any preferential right and that the sole criterion is marks obtained in educational qualification.


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4. We have gone through the OA, we do not find much force in the applicant's argument that as a substitute the applicant deserves any special consideration. It is for the authorities to devise their own measures in accordance with the rules and instructions on the matter. In case there is a tie between most eligible candidates then service as a substitute may be a favourable point to be considered. The respondents would certainly consider that aspect if the rules or orders permit. But we are not in a position to give any direction or make any declaration in favour of the applicant in that regard as substitute has no claim for preferential right. We are also not aware as to whether there are other substitutes amongst the candidates who have applied. The applicant prima facie has no valid cause of action. The application, therefore, is rejected Under Section 19(3) of the Administrative Tribunal's Act.

(Dated the 8th day of July, 2003)



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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