

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

**O.A. NO. 567 OF 2011**

Wednesday, this the 23<sup>rd</sup> day of November, 2011

**CORAM:**

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

S Hareendran  
"Samsari", Velloor Post,  
Payyannor, Kannur District.,  
Working as Sub Post Master,  
Ramanthali Post Office,  
Kannur District ... Applicant

(By Advocate Mr.P.K.Ravi Sankar )

versus

1. Union of India represented  
by its Secretary,  
Department of Post, New Delhi – 110 001.
2. Chief Post Master General,  
Kerala Circle,  
Trivandrum - 695 033.
3. Superintendent of Post Offices,  
Kannur Division, Kannur - 670 001.
4. K Surendran,  
Postal Assistant,  
Taliparamba Head Post Office,  
Thaliparamba - 1 ... Respondents

(By Advocate Mr. Varghese P Thomas (R1-3) )

The application having been heard on 23.11.2011, the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**

The applicant a Sub Postmaster responded to Annexure A-2 memo inviting willingness from from TBOP / BCR officials to be posted as Marketing Executive with HQrs at Kannur HO / Thaliparamba HO / Payyannur MDG. The post do not carry any extra emoluments and it is



only a temporary arrangement for promoting the sales of the products. The two conditions provided in Annexure A-2 are that the officials should have aptitude for field work / outdoor marketing who are below 45 years of age. Ultimately the 4<sup>th</sup> respondent was selected for the post of Marketing Executive. Impugning the said selection, the applicant has approached this Tribunal.

2. According to the applicant, the 4<sup>th</sup> respondent is over aged and is 47 years and secondly the reason for not considering the applicant is based on an allegation which is not proved in any enquiry. According to the applicant, a false complaint was made by one Smt. Vani against the applicant and the Sub Inspector, Payyannur and after due enquiry it is stated that no allegation is proved. Annexure R-1 is produced in this behalf.

3. We have heard the counsel on both sides. Since the post itself is for a period of six months, is due to expire on 08.12.2011. We are not cancelling the appointment of the 4<sup>th</sup> respondent. However, on the completion of six months period on 08.12.2011, a fresh selection shall be conducted after inviting willingness if no other guidelines are issued governing the same in substitute of the present guidelines. We may, however, observe that non selection of the applicant cannot be based on some allegation without proving the same.

4. OA is disposed of with the above directions. No costs.

Dated, the 23<sup>rd</sup> November, 2011.

  
K GEORGE JOSEPH  
ADMINISTRATIVE MEMBER

vs

  
JUSTICE P.R.RAMAN  
JUDICIAL MEMBER