

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.62/2002

Wednesday this the 23rd day of January, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

S.Harikumar, S/o Sukumaran Nair,
LSG Sorting Assistant,
Business Post Centre,
Speed Post Colelcting Centre,
Thiruvananthapuram.33 residing at
Haripriya, Pura 24A, Nethaji Road,
Poojappura.

...Applicant

(By Advocate Mr.Vishnu S.Chempazhanthiyil)

v.

1. Senior Superintendent,
RMS TV Division,
Thiruvananthapuram.
2. Chief Postmaster General,
Kerala Circle,Thiruvananthapuram.
3. Union of India, represented by
its Secretary, Ministry of Communications,
New Delhi. ...Respondents

(By Advocate Mr. C.C. Abraham, ACGSC)

The application having been heard on 23.1.2002, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, working as LSG Sorting Assistant, Business Post Centre, Speed Post Collecting Centre,Thiruvananthapuram volunteered for selection for training in computer applications in the office of the 2nd respondent pursuant to a notification dated 15.3.2001 (A1) wherein volunteers with the following educational qualifications were required to express their willingness:

- (1) MCA
- (2) MSc Computer Science
- (3) Fully Trained in Departmental Software.

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The applicant who has been awarded a Post Graduate Diploma in Computer Applications (PGDCA for short) from the State Board of Technical Education submitted his application. Finding that seven persons had been selected and the applicant was not selected for the training, the applicant submitted a representation ^{on} 25.3.2001 and followed it up by another representation dated 18.6.2001 (A7 and A8 respectively). Finding no response, the applicant has filed this application for a direction to the second respondent to consider the applicant for selection and appointment as trainee in the Computer Training Centre in the second respondent office pursuant to Annexure.A1 and in the alternative to consider and dispose of Annexures.A7 and A8 representations.

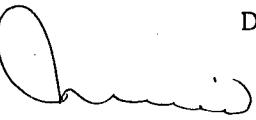
2. We have carefully gone through the application, the annexures appended thereto and have heard Shri Vishnu S.Cempazhanthiyil, learned counsel for the applicant at considerable length and Shri C.C.Abraham, learned counsel for the respondents. Apart from being one of the applicants who responded to Annexure.A1 notification, the applicant does not seem to have any right to be enforced before this Tribunal. The qualification prescribed in the notification are MCA, MSc Computer Science or Fully Trained in Departmental Software. The applicant does not have any of these qualifications, though on the basis of Annexure.A3 PGDCA the applicant would claim that he comes under the third category. We do not agree. The PGDCA qualification cannot be said to have been a qualification of fully trained in departmental software. The authorities were justified in not considering the candidature of the applicant as he did not possess any of the qualifications required. The statement in the representation made by the applicant that he learnt that

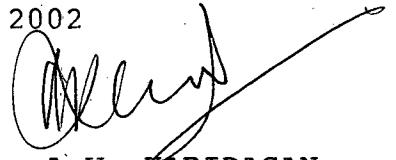
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persons with lesser qualifications have been selected is only a hear-say and not based on any data or material. As there is no allegation of malafides or infraction of any rules in the matter of selection, we are of the considered view that judicial intervention is not justified at all.

3. Under these circumstances, the application which is devoid of any lawful cause of action is dismissed in limine leaving the parties to bear their costs.

Dated the 23rd day of January, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the notification No.46/Trg. dated 15.3.2001 of the 1st respondent.
2. A-2 : True photocopy of the B.Sc. Degree of the applicant.
3. A-3 : True photocopy of the Post graduate diploma of the applicant issued by the State Board of Technical Education, Government of Kerala.
4. A-4 : True photocopy of the certificate issued by the Corporation of Thiruvananthapuram to the applicant.
5. A-5 : True copy of the application dated 19.3.2001 to the 1st respondent.
6. A-6 : True copy of the bio-data of the applicant.
7. A-7 : True copy of the representation dated 25.3.2001 to the 2nd respondent.
8. A-8 : True copy of the reminder dated 18.6.2001 to the 2nd respondent.

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24.1.02.