

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.68 of 1994

Friday this the 21st day of January, 1994

CORAM

THE Hon'ble Mr.Justice Chettur Sankaran Nair, Vice Chairman
THE Hon'ble Mr.P. V. Venkatakrishnan, Administrative Member

P.V. Mohanan,
Puthiyaveetil House,
PO Kuttoor, Mathamangalam Bazar
Via, Kannur Dt. ...Applicant

(By Advocate Mr. Grashious Kuriakose)

V. 5.

1. The Sub Divisional Inspector of Post Offices, Payyannur Sub Division, Payyannur.
2. The Supdt. of Post Offices Kannur Division, Kannur.
3. The Post Master General, Calicut Region, Calicut.
4. A. Raghavan, Amenthara House, Kattoor PO, MM Bazar (Via) Kannur Dist. Respondents

(By Advocate Mr.C.Kochunni Nair, Sr.CGSC)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

Applicant challenges the selection and appointment of 4th respondent as Extra Departmental Delivery Agent, Kuttoor Post Office. Applicant was working as a provisional hand, when regular selection was notified. Apprehending that his candidature may not be considered, he came to this Tribunal with O.A. 779/91. Pursuant to the directions therein

his candidature was considered, and he was selected. That was challenged by 4th respondent in O.A.1577/91, which he withdrew in view of an appeal before the Post Master General. The Post Master General considered the matter and found 4th respondent to be of superior merit. Case of applicant is that by reason of his provisional service, he should be preferred. We are not very sure whether an advantage can be gained by a fortuitous event. However, weightage marks have to be given by reason of the decision in Parvathi's case. Unless the weightage mark is more than 100, applicant will not get anywhere near the 4th respondent. We find no error apparent on the face of record. We dismiss the application. However, it will be for the department to consider whether applicant can be considered in any other vacancy. He will be entitled to the notice pay of one month contemplated by the Rules. No costs.

Dated 21st January, 1994.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ks211.