

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.76/2000

Thursday, this the 27th day of January, 2000.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

N.V. Ramakrishnan  
s/o Raman  
Narippat Valappil P.O. Nariparamba,  
Via. Tavanur-679 573  
Extra Departmental Mail Carrier,  
Easwara Mangalam Post Office: ...Applicant.

By Advocate Mr. P. Chandrasekhar

Versus.

1. The Union of India represented by Secretary  
Ministry of Communications, New Delhi.
2. The Superintendent of Post Offices,  
Tirur Division, Tirur.
3. The Sub Divisional Inspector, Ponnani Postal,  
Sub Division, Ponnani-678 577.
4. Shri Harinarayanan, Kundur House,  
Thandalam, P.O.Nariparamba,  
Tavanur ..Respondents

By Advocate Mr. P. Vijayakumar, ACGSC

Application having been heard on 27.1.2000, the  
Tribunal delivered the following on the same day.

O R D E R

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

Applicant who claims to have rendered substitute  
service as Extra Departmental Mail Carrier from 14.2.99  
onwards was also a candidate for regular selection and  
appointment to the said post. However, the fourth respondent  
has been selected and appointed. Applicant aggrieved by the  
selection and appointment of the 4th respondent seeks to set  
aside A-4 and for a direction to the third respondent to allow

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the applicant to continue in service as Extra Departmental Mail Carrier till regular hand joins duty.

2. Heard the counsel on either side. The applicant has participated in the selection for regular appointment. The fourth respondent who is a matriculate was selected and appointed. In comparison, the applicant cannot claim that he has equal merit with the fourth respondent. No allegation of malafides has been made. Therefore there is little scope for judicial intervention. Further, the word "provisionally" was used in the impugned order because OA 1276/99 filed by the applicant challenging the process of selection was pending when the order was issued. The appointment was provisional and subject only to the decision in OA 1276/99 as ruled in the order. Now that OA 1276/99 has been withdrawn by the applicant the appointment has become absolute and regular. We therefore do not find anything this in this application calling for further deliberation.

3. The application is dismissed in liminie. No costs.

Dated the 27th January, 2000.

*JL Negi*  
J. L. NEGI  
ADMINISTRATIVE MEMBER

aa.

*A.V. Haridasan*  
A.V. HARIDASAN  
VICE CHAIRMAN

Annexure referred to in this order:

A-4: True copy of the order No. MC/I swaramangalam dated 16.12.99 issued by the 3rd respondent.