

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 83 of 1995

Wednesday, this the 19th day of July, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. C Madhusoodhanan,
Extra Departmental Delivery Agent,
Moonnumukku PO, Via Pangode.
Residing at 'Kairali'
Peedomkulangara,
Moonnumukku PO. .. Applicant

By Advocate Mr. G Sasidharan Chempazhanthiyil

Vs.

1. Shri Shibu M Job,
Senior Superintendent of Post Offices,
North Division,
Thiruvananthapuram.
2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. J Vijayan,
Extra Departmental Mail Carrier,
Bharathannoor, Pangode. .. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC (R-2)

The application having been heard on 17th July, 1995,
the Tribunal delivered the following on 19th July, 1995.

ORDER

SP BISWAS, ADMINISTRATIVE MEMBER

Applicant, an Extra Departmental Delivery Agent at
Moonnumukku is aggrieved by the selection of Mr. J Vijayan
(third respondent) as Extra Departmental Sub Postmaster,
Bharathannoor ignoring his superior claim.

2. Learned Counsel appearing on behalf of the applicant
argued that the first respondent on extraneous considerations,
influences and "after an exclusive interview asked him (third

respondent) to produce income certificate as a further step towards his appointment". This decision is fraught with malafides, states Counsel.

3. Counsel also argued that "the first respondent gave a go by to the Rules of selection under extraneous influence. Rules provide that among candidates those having S.S.L.C. be preferred and among S.S.L.C. passed candidates the one having the highest marks be preferred for selection". The applicant passed S.S.L.C. with 297 marks as compared to third respondent who obtained only 260 marks. Selection of third respondent is, therefore, vitiated and discriminatory, submitted counsel for applicant.

4. Learned Counsel for respondents contended that the first respondent has not selected the third respondent, as alleged. In fact, no final decision has been taken to appoint any of the candidates on transfer to the vacant post at Bharathannoor.

5. In view of the above, apprehensions of the applicant turn out to be unfounded. It is not for this Tribunal to decide who should be selected and who should not be selected. It is also not the function of the Tribunal to make a roving enquiry into wild allegations and make out a case for the applicant (See RC Sammanta & Ors Vs. Union of India & Ors, AIR 1993 SC 2276).

6. We do not think that this is a fit case for the Tribunal to interfere and exercise our jurisdiction in favour of the applicant.

7. The application is dismissed being devoid of merits.

No costs.

Dated the 19th July, 1995


SP BISWAS
ADMINISTRATIVE MEMBER

ak/


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN