

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 86 of 2006

Friday, this the 14th day of March, 2008

C O R A M :

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER
HON'BLE MRS. O.P. SOSAMMA, ADMINISTRATIVE MEMBER**

A. Sivadas, S/o. Late Aru,
Gramin Dak Sevak Branch Post Master,
Nanniode B.P.O., Palghat District,
Residing at : Kathika Nivas, Vembra,
Nanniode P.O., Vandithavalam (Via.),
Palghat District.

.... **Applicant.**

(By Advocate Mr. T.C. Govindaswamy)

v e r s u s

1. Union of India, represented by
The Secretary to the Government of India,
Ministry of Communications (Department
of Posts, New Delhi).
2. The Chief Postmaster General,
Kerala Circle, Trivandrum.
3. The Postmaster General,
Northern Region, Calicut : 673 005
4. The Superintendent of Post Offices,
Palghat Postal Division, Palghat.
5. V. Shyamaladas, GDS/Branch Postmaster,
Athikode P.O., Palghat.
6. C. Velumani, GDS Mail Deliverer/
Mail Carrier, Thannisseri P.O.,
Palghat District.
7. M. Sasi, GDS Mail Deliverer,
Vattekad P.O., Palghat District.
8. A. Kaveri, GDS Branch Postmaster,
Nenmeni P.O., Palghat District.

.... **Respondents.**

(By Advocate Mrs. Aysha Youseff, ACGSC for R1-4 & Mr. O.V. Radhakrishnan,
Sr. with Mr. Antony Mukkath and Mrs. K. Radhamani Amma for R5-8)

ORDER
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

The applicant is functioning as GDS Branch Postmaster at Nanniode Branch Post Office of Palakkad Postal Division. In pursuance of Annexure A/1 notification dated 22.02.2005, the applicant participated in the departmental examination for the post of Postman. However, he was not selected and he had made Annexure A/5 representation to the Department for communication of his marks. The applicant had secured 72%, 60% and 78% in three papers respectively. According the applicant, the private respondents 6, 7 and 8 had secured less marks than the applicant and the respondent No. 7 did not have the requisite educational qualification of S.S.L.C. Vide Annexure A/8, the respondents have stated that the publication of results vide Annexure A/4 dated 2.11.2005 was based on merit and not on seniority basis. The applicant, aggrieved by Annexure A/8 order read with A/4 communication, has filed this O.A. praying for a direction to the respondents to redraw the panel considering only those who had the requisite qualification as on 1.1.2003 and also for a direction to the respondents to include the name of the applicant in Annexure A/4 at the appropriate place and the consequential benefits thereof.

2. The respondents have contested the O.A. According to them, the vacancies numbering six were allotted as 3 for 'OC' merit quota and 3 for 'OBC' merit quota. The following individuals secured much higher marks than the applicant; S. Deepa – 140 marks, B. Nirmaladevi – 138 marks and V. Syamaladas – 138 marks. So far as the applicant is concerned, as stated in the O.A, she secured only 105 marks. As regards respondent No. 7, the official respondents submitted that the said respondent was appointed as

GDS on 11.10.1983 and as per Rules, those GDS officials who were in service on 25.09.1987 are not required to possess the SSLC standard for appearing in the Postman examination.

3. The applicant has filed rejoinder wherein he has submitted that the answer sheets of the applicant and that of the selected candidates should be called for to ensure transparency. It was further contended by him that according to him, he was actually awarded 138 marks which was later being reduced to 105.

4. The private respondents have also filed their replies.

5. The official respondents have filed additional reply statement wherein they had annexed Annexure R/1, a copy of consolidation of marks scored by the candidates who appeared in the examination. They have also added Annexure R/2, a copy of the appointment order dated 26.10.1983 of the respondent No.7.

6. Learned counsel for the applicant argued that the answer sheets if directed to be produced, would reflect the correct position. While reserving the orders in the O.A, the Tribunal on 16.01.2008, passed the following order:

"Counsel for official respondents is directed to obtain the details of the earlier selections made reflecting therein the year in which the selection had taken place and the year to which the vacancies pertain. Such details may be furnished in respect of the last five selections. Two weeks time is granted."

7. The respondents have produced the entire answer sheets of the candidates who had selected under OC merit quota as well as the applicant.

The other documents called for vide order dated 16.01.08 were, however, not made available. Those records that were called for vide order dated 16.01.2008 were not that of significance though called for and as such, the case is proceeded for orders. The answer sheets produced were perused.

8. So far as the applicant is concerned, he has secured 36 marks out of 50, 30 marks out of 50 and 39 marks out of 50 in 'A', 'B' and 'C' papers respectively. The marks given have no correction and each answer has been checked. Thus, the contention of the applicant that he secured 138 marks is not at all correct. The other candidates who were selected had secured higher marks than the applicant and as such they were rightly selected. As regards the contention of the applicant that the respondent No. 7 lacks the basic qualification, the same cannot be agreed to since he was a pre-1985 entrant.

9. In view of the above, the application being devoid of merit has to be rejected. Accordingly, the O.A. is dismissed with no order as to costs.

(Dated, the 14th March, 2008)


(O.P. SOSAMMA)
ADMINISTRATIVE MEMBER


(Dr. K B S RAJAN)
JUDICIAL MEMBER

CVR.