

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.101/96

Wednesday this the 24th day of January, 1996.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

V.V.Suresh,
Postman,
Head Post Office,
Ernakulam.

..Applicant

(By Advocate Mr.M.R.Rajendran Nair)

vs.

1. The Chief Post Master General,
Kerala Circle, Trivandrum.
2. The Senior Superintendent of Post Offices,
Ernakulam Division, Cochin-II.
3. Union of India represented by Secretary to
Government, Ministry of Communication,
Department of Posts,
New Delhi.

..Respondents

(By Advocate Mr.T.R.Ramachandran Nair)

The Application having been heard on 24.1.1996 , the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant who has taken an examination for appointment as a Group 'C' employee (and failed in one paper) seeks a declaration that he is "entitled" to "grace" marks. According to applicant he has performed 'very well' and A4 circular provides for grant of grace marks. Anything that is by way of 'grace', cannot be an 'entitlement'.

2. There are areas where on the basis of subjective opinion (for example - that he has 'performed very well') of those who consider themselves aggrieved, an investigation cannot be instituted. Only those who are aggrieved, in the sense that a legal right of theirs is injured, can maintain an action. A roving enquiry on

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suspicion, is not referable to the process of judicial review.

3. Be that as it may, standing counsel submits that A3 representation will be considered on merits and as sympathetically as possible and appropriate orders passed thereon within one month from today.
4. We record the submission and dispose of the application. No costs.

Dated the 24th January, 1996.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A3: True copy of the reminder dated 4.1.1996 submitted by applicant to the Ist respondent.
2. Annexure A4: True copy of the circular No.45-1/93-DE(Pt.) dated 20.6.1994 issued by Assistant Director General(DE), Government of India, Dept. of Telecommunications, Dak Bhawan, New Delhi.

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