

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....

O.A. No. 1769/94 and O.A. 103/95.

Tuesday this the 19th day of September, 1995.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

O.A. 1769/94

1. M.T. Sreemathy,
W/o Ramakrishnan,
Postman,
M.G. Road P.O., Cochin-16.
2. Valsa Daniel,
W/o A.A. Varghese,
Postman,
Pachalam.

.. Applicants

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Senior Superintendent of
Post Offices, Ernakulam.
2. The Chief Post Master General,
Kerala Circle, Trivandrum.

.. Respondents

(By Advocate Shri PR Ramachandra Menon, ACGSC)

O.A. 103/95.

1. Anil Raj, Postman,
Sasthamangalam P.O.,
Trivandrum South Division.
(By Advocate Shri M.R. Rajendran Nair)

.. Applicant

Vs.

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

.. Respondents

(By Advocate Shri T.P.M. Ibrahim Khan, SCGSC)

The applications having been heard on 19th day of September, 1995,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

The core question in these cases is whether prescription of a minimum mark for pass in each paper by the Chief Postmaster General is valid?

2. Counsel for applicants would argue that qualifications need only be commensurate with job requirements. True. But, it is not for the Courts to sit in judgement, over the justification for prescribing certain qualifications. J. Ranga Swamy Vs. Government of Andhra Pradesh and others, (AIR 1990 SC 535) Courts will intervene, only if there is rank irrationality in the process. That is a different matter. Counsel would submit that many of the Postmen appearing at the test for recruitment of Postal Assistants, have themselves discharged identical functions, while acting as Sub-Postmasters/Branch Postmasters. He would also submit that the principle of career improvement or a need for adequate promotional avenues recognized by the Supreme Court in Dr. Ms. D.Z. Hussain, Petitioner Vs. Union of India and others, (AIR 1990 SC 311) and Raghunath Prasad Singh, Vs. Secretary, Home (Police) Department, Government of Bihar and others (AIR 1988 SC 1033), should be borne in mind in this context. If applicants seek a change in rule, they should move the departmental authorities, concerned with the prescription of qualifications. Applicants may make a representation before respondent, Secretary to Government of

India, highlighting their contentions. It is for that respondent to consider

- (a) the nature of qualifications required;
- (b) the need/justifiability(if any) for creating promotional prospects; and
- (c) whether there should be provisions for relaxation of rules in appropriate cases.

We make it clear that we are not expressing any opinion on the merits. If a representation is made, final orders will be passed thereon within six months from the date of receipt of the representation. We are granting a large measure of time making it clear that no further time will be granted. In the event of a decision being taken in favour of applicants, or those belonging to that class, their remedy should not be rendered illusory by the posts in question being filled up by other means. The Government of India would, therefore, instruct the concerned authorities that appointments in the quota meant for those like applicants and ploughed back to other groups will be subject to the decision of the Government of India and every such appointee will be informed accordingly, so that far flung pleas of legitimate expectations, which are often far from legitimate, are not raised on a future date.

3. Applications are disposed of as aforesaid. No costs.

Tuesday this the 19th day of September, 1995.

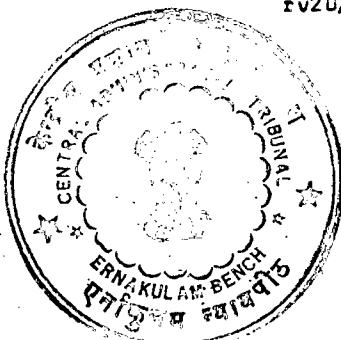
Sd/-
S.P. BISWAS
ADMINISTRATIVE MEMBER

Sd/-
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

rv20/9

CERTIFIED TRUE COPY

Date 25.9.95



Mmm
Deputy Registrar

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