

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 13 of 2003

Wednesday, this the 8th day of January, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. M. Sivakumar,
S/o Manoharan Pillai,
GDSM, Kollakadavu,
residing at Sivasadanam,
Pilappuzha, Haripad.Applicant

[By Advocate Ms. K. Indu]

Versus

1. Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi.

2. The Assistant Superintendent of Post Offices,
Mavelikkara North Sub Division,
Mavelikkara.

3. The Sub Divisional Inspector,
Mavelikkara North Sub Division,
Mavelikkara.Respondents

[By Advocate Mr. C. Rajendran, SCGSC]

The application having been heard on 9-1-2003, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is working as Gramin Dak Sevak
Messenger (GDSM for short), Kollakadavu applied for transfer
and appointment as GDSMD (EDDA), Naduvattom Post Office
pursuant to a notification calling for applications from
working ED Agents for transfer. Apprehending that the
applicant's candidature would not be considered on the basis of
the marks in SSLC and that a selection would not be made on the
basis of the seniority, the applicant has filed this Original
Application seeking the following reliefs:-

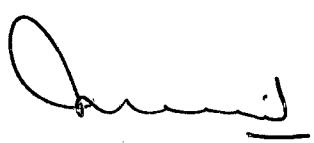
- "i) to declare that the applicant is entitled to be considered for appointment by transfer to the post of GDSMD Naduvattom in the light of the Office Order No. 19-8/97-ED & TRG dated 1.7.97.
- ii) to declare that the non-consideration of the applicant's request in the light of the Office order dated 1.7.97 is bad in law.
- iii) to direct the 3rd respondent to consider Annexure A4 afresh in the light of the Office Order No. 19-8/97-ED & TRG dated 1.7.97; and
- iv) to issue such other direction, order or declaration as this Hon'ble Tribunal deem fit and proper in the circumstances of the case."

2. Shri C. Rajendran, SCGSC took notice on behalf of the respondents.

3. We find that the Original Application is premature. A cause of action would accrue to the applicant only if a selection has been made to the detriment of the applicant in relation to the rules and instructions on the subject. A mere speculation on the part of the applicant that his case would not be considered in accordance with the rules, would not give rise to him a cause of action.

4. The Original Application being premature is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Wednesday, this the 8th day of January, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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