

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 136 of 2000

Monday, this the 7th day of February, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. M. Gopakumar,
S/o M.V. Mohanan, Manjapra Variam,
Anjapra Amsom, Kannambra-II Village,
Alathur Taluk,
Palakkad District. .. Applicant

By Advocate Ms. R. Meera Devi

Vs.

1. The Post Master General,
Northern Region,
Nadakkav PO, Calicut-11.
2. The Senior Superintendent of Post Offices,
Palakkad Division,
Palakkad.
3. M. Praseetha, D/o Radhakrishnan,
Devi Kripa, East Village,
Perinkulam, Alathur,
Palakkad District.
4. Union of India, represented by
Secretary,
Ministry of Communications, New Delhi. .. Respondents

By Advocate Mr. K. Kesavankutty, ACGSC

The application having been heard on 7-2-2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to direct respondents 1 and 2 to consider and select him to the post of Extra Departmental Branch Postmaster (EDBPM for short), Kuttusseri Post Office, to declare that the selection and appointment of the 3rd respondent is malafide, illegal and against the Extra Departmental Rules and to cancel the appointment and selection, and also to declare that the applicant is

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qualified and eligible for selection to the post of EDBPM, Kuttusseri Post Office.

2. The applicant says that he has passed the SSLC examination with 439 marks out of 500 marks. He applied for selection to the post of EDBPM, Kuttusseri Post Office as notified by the 2nd respondent. He was called for interview. He appeared for the interview. The 3rd respondent, who has secured only 477 marks out of 600 marks in the SSLC examination, has been selected to the post of EDBPM, Kuttusseri Post Office. The applicant having higher marks when compared to the 3rd respondent is more eligible than the 3rd respondent. There is malafide in the selection of the 3rd respondent on the part of the 2nd respondent.

3. The applicant seeks to declare that the selection and appointment of the 3rd respondent is malafide, illegal and against the Extra Departmental Rules. Copy of the Rules the applicant has not produced. We have not so far come across the Rules for the recruitment of Extra Departmental Agents. What is the Rule relied on by the applicant is not known.

4. Annexure A-1 shows that the applicant has secured 439 marks in the SSLC examination. But, it does not show that he has obtained 439 marks out of 500 marks. What is the basis in saying that he has obtained 439 marks out of 500 marks, is not known.

5. With regard to the allegation that malafides against the 2nd respondent, it is to be noticed that the 2nd

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respondent is not brought in the party array by name. In the absence of bringing the 2nd respondent in the party array by name, the question of malafides cannot be looked into.

6. We do not find any ground to allow the application.

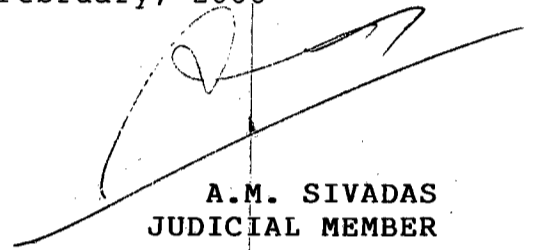
7. Accordingly, the Original Application is dismissed.

No costs.

Monday, this the 7th day of February, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in the OA:

1. Annexure A-1 - Attested photostat copy of the SSLC certificate S.No.A-2050953 dated 11 March 1990 in respect of the applicant.