

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA 145/99

Thursday the 4th day of February 1999.

CORAM

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

V.P.Muhammed  
S/o Pareed  
Veluthedath House  
P.O.Cheravalloor, Via  
Nannammukku  
Malappuram District.

...Applicant

(By advocate Mr P.Chandrasekhar)

Versus

1. The Superintendent of Post Offices  
Tirur Division  
Tirur - 676 104.
2. The Sub Divisional Inspector (Posts)  
Ponnani Postal Sub Division  
Ponnani - 672 377.
3. The Employment Exchange Officer  
Employment Exchange, Ponnani
4. Shri N.Gopinatha Nadar  
Extra Department Delivery Agent  
Cheravallur P.O.  
Malappuram District.

...Respondents

(By advocate Mr Srihari Rao)

The application having been heard on 4th February 1999,  
the Tribunal on the same day delivered the following:

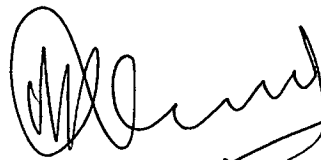
O R D E R

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

Applicant alongwith fourth respondent competed for  
selection and appointment to the post of Extra Departmental  
Delivery Agent, Cheravallur Post Office, Malappuram District.  
The fourth respondent was selected and appointed to the post.  
The applicant states that he is more meritorious than the  
4th respondent and that the 4th respondent did not qualify  
to be appointed. Impugning the selection of the 4th respondent,  
the applicant has filed this application.

2. I have perused the application and have heard learned counsel of the applicant. Apart from stating that the applicant has understood that the fourth respondent is not qualified to be appointed as Extra Departmental Delivery Agent, Cheruvallur Post Office and the applicant is more meritorious than the fourth respondent, there is nothing which shows that the selection and appointment of the fourth respondent is vitiated for any reason. There is no allegation of malafides against the appointing authority. There is no allegation of misuse of power either. The applicant bases his claim merely on a subjective assessment of his merits, and his wishful thinking that he is more meritorious than the fourth respondent. Unless there is allegation of malafides or fraud on power, judicial intervention is not justified in administrative actions. If applications from persons who participated in the selection process and failed are to be entertained on flimsy grounds like this, that would open a floodgate of litigation. I do not find any cause for the applicant to approach this Tribunal. The application is, therefore, rejected under Section 19 (3) of the Tribunals Act, 1985. No order as to costs.

Dated 4th February 1999.



(A.V. HARIDASAN)  
VICE CHAIRMAN

aa.