

Central Administrative Tribunal
Ernakulam Bench

Date of decision: 30-3-1990

Present

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri A.V.Haridasan, Judicial Member

Original Application No.162/89

A.Dasan

- Applicant

V.

1. The Superintendent of Post Offices,
Tirur Division, Tirur-676 104.

2. Employment Officer,
Town Employment Exchange,
Tirur.

3. V.M.Kesavan Nair,
Mail Overseer I,
Kottakkal Postal Sub Division,
P.O.Kottakkal, Malappuram Dist.
Pin-676 503.

4. C.V.Mohammed,
P.O.Cherur, Vengara
Kunnamangalam,
Malappuram Dist.

5. Union of India, represented by
the Secretary to Ministry of
Communication, New Delhi. -

Respondents

M/s MK Damodaran, CT Ravikumar & -
KS Saira - Counsel for the
applicant

Mr K Narayananakurup, ACGSC -
- Counsel for the
respondents 1&5

O_R_D_E_R

(Shri A.V.Haridasan, Judicial Member)

In this application filed under Section 19 of the
Administrative Tribunals Act, the applicant prays that the
appointment of the 4th respondent as ED Sub Post Master,
Cherur may be quashed and that the respondents may be
directed to appoint him in that post on a regular basis.
The facts averred in the application can be briefly stated
as follows.

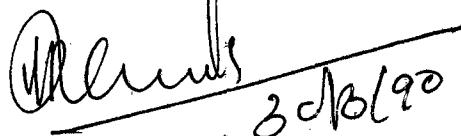
2. The applicant who had passed the S.S.L.C. examination and possessed all the qualification necessary for appointment as ED Sub Post Master was appointed provisionally as ED Sub Post Master, Cherur with effect from 1.7.1988. He continued in that post till 6.10.1988 and thereafter having been appointed again with effect from 1.11.1988, he worked there till 31.1.1989 on which date he was directed to hand over charge to the third respondent. While working as ED Sub Post Master on a provisional basis, the applicant had submitted an application for selection to the post of ED Sub Post Master, Cherur on a regular basis. But it is understood that without following the proper procedure for recruitment as per rules, the 4th respondent has been appointed in that post. The action of the respondent in appointing the 4th respondent without conducting an interview and without considering the candidature of the applicant is violative of the provisions of Articles 14 and 16 of the Constitution and hence the applicant prays that the appointment of the 4th respondent may be quashed and that the respondents may be directed to appoint him in that post.

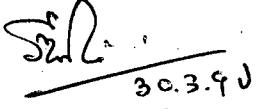
3. In the reply statement, the respondents 1, 3&5 have justified the selection of the 4th respondent on the ground that the 4th respondent being sponsored by the Employment Exchange and having obtained the highest marks in the S.S.L.C. Examination among the eligible candidates

has been validly selected. It has further been contended that as per Recruitment Rules, it is not necessary to conduct an interview.

4. We have heard the arguments of the learned counsel for the parties and have also gone through the records produced. On a careful scrutiny of the documents available in this case, we are convinced that there is absolutely no irregularity in the manner in which the 4th respondent has been selected and appointed as ED Sub Post Master, Cherur. As contended by the respondents, the Recruitment Rules do not stipulate that there should be an interview. It is open for the Department to make a selection on the basis of the marks obtained by the candidates in the S.S.L.C. Examination and the other eligibility conditions. As the applicant has no case that he has got more marks in the S.S.L.C. Examination than the 4th respondent or that the 4th respondent does not satisfy the other eligibility conditions, we are convinced that the applicant has no legitimate grievance.

5. In view of what is stated above, we find no reason for interference in the selection of the 4th respondent. Hence the application fails and the same is dismissed, without any order as to costs.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(S.P.MUKERJI)
VICE CHAIRMAN

30-3-1990

trs