

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO.169/2010

Dated this the ¹¹ 28 day of July, 2010

C O R A M

HON'BLE MR.JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

P. Suresh S/o Pankahjakshan Pillai
residing at Thekkedath House
Edanad, Chowara Pin 683 571

..Applicant

By Advocate Mr. Shafik M. Abdulkhadir
Vs

1 The Postmaster
Head Post Officer, Aluva

2 The Senior Superintendent of Post Offices
Department of Posts,
Aluva Division, Aluva

3 The Postmaster General
Central Region, Kochi.

4 Sri P.M. Nidhin
Parapurath House, Keezhmadu
Erumathala -683 112

..Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC for R 1-3
Advocate Mr. P.C. Sebastian for R-4

The Application having been heard on 12.7.2010 the Tribunal
delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the selection of 4th respondent to the post of GDS Mail Packer at Aluva Head Post Office overlooking his claim.

2 The 1st respondent invited application for appointment to the post of GDS Mail Packer at Aluva HPO (A-1). The applicant submitted application in the prescribed proforma along with all required documents. He along with M/s P.C. Unnimon, K.B. Nidish, M.S. Jayasree and the 4th respondent were called for verification of documents and cycling test. He is challenging the consideration of the application of the 4th respondent and Shri P.C. Unnimon which should have been rejected on the ground that their applications were not accompanied with 2 conduct certificates from Gazetted Officers, which is mandatory. He stated that the other candidates Smt. M.S. Jayasree failed in the cycling test and that Shri K.B. Nidish was not interested in the appointment. Therefore, he alone should have been selected. Hence, he filed this O.A. to declare that the selection and appointment of the 4th respondent is arbitrary, illegal and tainted with malafides and to direct the 2nd respondent to consider him for appointment.

3 The respondents filed reply statement. They submitted that out of the five candidates who appeared for the verification of original certificates, except Smt. Jayasree M.S. and Sri Unnimon P.C all the three candidates fulfilled the requirements to be appointed as GDSMP, Aluva HO and that out of the three candidates, the top meritorious

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candidate who scored the highest marks was appointed and that the applicant scored the lowest mark. They further submitted that the 4th respondent submitted two certificates before the date of verification of documents.

4 We have heard learned counsel for the parties.

5 The main ground urged by the applicant in the O.A is that unqualified candidate is being appointed. The applicant submitted that out of the five candidates who were called for verification of documents and cycling test, one candidate failed in the cycling test and two candidates have not produced required documents and that the fourth person is not interested, hence, he should have been selected and appointed. It is a fact that as per Annexure A-1 notification, two conduct certificates, out of which one is from a Gazetted officer should have accompanied the application. The respondents have submitted that the 4th respondent enclosed two conduct certificates, but one was from the Ward Member of the Keezhumadu Gram Panchayat. When the 4th respondent came to know that a certificate from a Gazetted Officer is required, he produced 2 certificates from Gazetted Officers. In this respect Department has clarified that even if a candidate acquires a qualification after sending the application but if the same is received within the stipulated date, the recruiting authorities should entertain the same. DG Posts Letter No. 170-104/91-ED& Trg dated 18.9.1995 refers.

6 More over, Rule 7 of the GDS Services Rules on Method of Recruitment lays down that formalities to be undertaken before

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appointment has to be in accordance with Rule 3 of P & T Manual Vol. IV, It states that

"the character and antecedents of ED Agents should be verified in advance. A declaration about vocation and private income has to be obtained from all categories of ED staff. The required information may be obtained in the prescribed form of declaration. Where it is found necessary to make appointment before complete verification, appointment may be made on the production of Character Certificates from two Gazetted Officers and the appointment orders should contain a warning that if he is subsequently found unsuitable, he shall be discharged forthwith.

Verification is done to verify the character and antecedents of the selected GDS and an attestation form filled up which is signed by the GDS in token acknowledging the information furnished therein. Therefore, the appointment is not done merely on the strength of a conduct certificate given by a Gazetted Officer and it is treated as an identity certificate, as per Rule 3 of P&T Manual Vol. IV.

7 The applicant has asserted that the fifth person is not interested in the selection and appointment. In our opinion, the applicant has no authority to say that one particular candidate is not interested or not. It is for the candidate himself to say so. If he is not interested, he would not have participated in the selection process.

8 In any way, the respondents have submitted that the selection has been conducted as per the extant rules and that the candidate who scored the highest marks was selected and appointed and that the applicant has got the lowest mark. Therefore, the selection is not done in an illegal and arbitrary manner.

9 In this view of the matter, we do not find any legal infirmity with the process of selection and appointment of the 4th respondent to

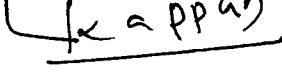
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the post of GDS Mail Packer, Aluva Head Post Office. There is no merit in the O.A., it is accordingly dismissed. There shall be no order as to costs.

Dated 28th July, 2010


K. NOORJEHAN
ADMINISTRATIVE MEMBER

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JUSTICE K. THANKAPPAN
JUDICIAL MEMBER