

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.176/99

Friday, this the 12th day of February, 1999.

CORAM:

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

B.Sumathy Amma,
Alumvila Veedu,
Ummannoor.P.O.
Kottarakara,
Kollam District.

- Applicant

By Advocate Mr Mohan Pulikkal

Vs

1. The Chief Post Master General,
Thiruvananthapuram-695 033.
2. The Assistant Director(Recruitment),
Office of the Chief Post Master General,
Kerala Circle,
Thiruvananthapuram-695 033.
3. The Sub Divisional Inspector of Post Offices,
Punalur Sub Division,
Punalur-691 305.
4. V.Radhakrishna Pillai,
Extra Departmental Delivery Agent,
Melila Post Office,
Melila,
Kottarakkara. - Respondents

By Advocate Mr Anil Kumar, ACGSC

The application having been heard on 12.2.99, 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 has passed SSLC and Pre Degree examination, registered her name with the Employment Exchange in the year 1996 and still remain unemployed. She was sponsored for selection and appointment to the post of Extra Departmental Delivery Agent, Melila

Post Office. Pursuant to the call letter, she appeared for the interview on 20.7.98 along with other nominees of the Employment Exchange. The 4th respondent who has not sponsored by the Employment Exchange was also interviewed. The grievance of the applicant is that the 4th respondent has been selected and appointed. She submits that as the 4th respondent has passed SSLC examination only and that too in IIIrd class, the applicant is more meritorious than the 4th respondent and that the selection and appointment of the 4th respondent must be for extraneous consideration. Alleging that the applicant has on enquiry come to know that the 4th respondent has been selected only on account of his relationship and proximity to some high officer in the department and not on merit, the applicant had made a complaint to the 1st respondent alleging that the selection was irregularly and illegally made. The 1st respondent considered the representation and after an enquiry, informed the applicant by the letter dated 16.11.98(A-4) that the enquiry revealed that the selection to the post of EDDA, Melila Post Office has been done on merit. It is aggrieved by this letter that the applicant has filed this application challenging A-4 letter and for an order setting aside the selection and appointment to the post of EDDA, Melila Post Office and for a direction to the respondents 1 to 3 to appoint the applicant as EDDA, Melila Post Office.

2. Shri Anil Kumar, ACGSC appeared on behalf of the respondents 1 to 3. I have gone through the application and heard Shri Mohan Pulikkal, learned counsel for the applicant as also Shri Anil Kumar, ACGSC. Scanning through the entire application I do not find any facts or circumstances which would show that the applicant has a legitimate cause of action. Apart from stating that the applicant has heard that the selection of the 4th respondent was not on merit but on account of his relationship with some higher officer in the department, there

is nothing on record to show that there is any vitiating circumstances in the process of selection. The name of the officer with whom the 4th respondent has alleged proximity or relationship has not even been revealed. It has not been stated what percentage of mark at the SSLC examination was obtained by the 4th respondent and how the 4th respondent can be said to be less meritorious than the applicant. A reading of the application would only disclose the frustration in the mind of the applicant being unemployed eversince 1976. That is no ground for judicial intervention with an order of selection and appointment. Apart from a bald allegation that she is more meritorious than the 4th respondent which can be considered only as a wishfull thinking, nothing has been stated categorically to make out that the selecting authority has not acted fairly and justly. Even then the Chief PMG, 1st respondent has enquired into the matter on the complaint of the applicant and was satisfied that the selection was made only on the basis of merits. There is no allegation in the application that the Chief PMG has not considered the matter dispassionately. It is not permissible to presume that the Chief PMG has not done so.

3. In the light of the above discussion finding nothing in this application which calls for further deliberations, the application is rejected under Section 19(3) of the Administrative Tribunals Act.

No costs.

Dated, the 12th February, 1999.



(A.V.HARIDASAN)
VICE CHAIRMAN

trs/15299

LIST OF ANNEXURE

1. Annexure A4: A true copy of Communication No. Rectt./ 11-20/98-Pt. dated 16.11.98 issued by the 2nd respondent to the applicant.

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