

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.196 of 2000.

Wednesday, this the 14th day of February, 2001.

CORAM:

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

A.S.Vijayan,
Extra Departmental Mail Carrier,
Daivapura Branch Post Office,
Peringamala 695 563,
Trivandrum District. Applicant
(By Advocate Shri Thomas Mathew)

1. Superintendent of Post Offices,
South Postal Division,
Thiruvananthapuram-14.
2. Chief Postmaster General,
Kerala Circle,
Trivandrum.
3. Union of India, represented by
its Secretary, Department of
Posts, New Delhi.
4. K.Sasisekharan Nair,
Superintendent of Post
Offices, Trivandrum South,
Trivandrum-14.
5. V.K.Hemachandran,
E.D.Stamp Vendor,
Thycaud Head Post Office,
Trivandrum-14.
6. T.S.Suresh Baji,
Extra Departmental Delivery Agent,
Karakonam P.O.,
Trivandrum District.
7. A.Balakrishnan,
Superintendent,
Postal Stores Depot,
Trivandrum.
8. Ms.Mariamma Thomas,
Assistant Postmaster General,
Chief PMG's Office,
Trivandrum. Respondents
(By Advocate Mrs. S.Chitra, ACGSC(R.1-3)
(By Advocate Shri Sasidharan Chempazhanthiyil(R.5&6)

The application having been heard on 14.2.2001, 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 is an Extra Departmental Mail Carrier (EDMC for short) Daivapura Branch Post Office who took part in the selection process for appointment to the post of Postal Assistant is aggrieved that on account of a reduction in the SC vacancy unjustifiably, he has not been declared selected and included in the panel. According to the applicant the vacancies available to the Scheduled Castes should not have been taken away. The applicant has sought the following reliefs in the application.

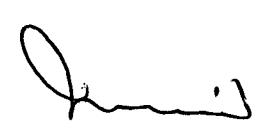
1. "Call for the entire records relating to the selection proceedings leading to Annexure A-8 and quash the same to the extent it selects the 5th and 6th respondents to the exclusion of the applicant a lone candidate of Scheduled Caste community by taking away the Scheduled Caste vacancy earmarked for Scheduled Caste and to quash A-6;
- ii. declare that the S.C. vacancy is liable to be restored and that the applicant is entitled to be considered for the Scheduled Caste vacancy already announced as per Annexure A-1 and direct the respondents accordingly.
- iii. Pass such other order or direction as deemed just, fit and necessary in the facts and circumstances of the case;
- iv. award costs to the Original Application."

2. When the O.A. came up for hearing today, the learned counsel of the applicant stated that he is pressing only for the reliefs in sub para ii in para VIII of the O.A. From the reply statement filed by the respondents inter alia it is seen that the applicant has obtained only 37.35 marks as against the minimum required marks of 46.03 for selection and therefore, he

would not have been eligible to be selected and appointed even if a SC vacancy was there. Since the applicant has not qualified in the selection process he is not entitled for being selected against the SC vacancy if such a vacancy was available. Therefore, the applicant is not entitled to any relief now sought for.

3. In the result, the application is devoid of merit and the same is dismissed leaving the parties to bear their own costs.

Dated the 14th February 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

A-1: True copy of letter No.B2/Rectt/98 dated, 30.3.99 issued by the first respondent.

A-6: True copy of letter No.B2/Rectt/98 dated 29.6.99 issued by the Ist respondent.

A-8:True copy of Memo No. B2/Rectt/98(dep.) dated 19.1.2000 issued by the first respondent.