

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.237/98

Friday, this the 20th day of March, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

M Rajasekharan Nair,
Assistant Manager,
Postal Stores Depot,
Thiruvananthapuram-23. - Applicant

By Advocate Mr G Sasidharan Chempazhanthiyil

Vs

1. Senior Superintendent(Postal),
North Division,
Thiruvananthapuram.
2. Superintendent,
Postal Stores Depot,
Thiruvananthapuram.
3. Director of Postal Services,
(South) Region,
Office of the Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
4. MK Ramakrishnan,
Public Relations Inspector(Postal),
Pattam, Place.P.O.
5. R Sugunan,
Assistant Sub Postmaster Fort.P.O.
Thiruvananthapuram-23.
6. KK Jayaprakash,
Postal Assistant(Biennial Cadre Review),
Thiruvananthapuram. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC(for R.1 to 3)

The application having been heard on 20.3.98, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant is a Biennial Cadre Review(B.C.R. for
short) official who is to retire in 1999. According to the
instructions in regard to appointment to the Public Relations

Inspector(P.R.I. for short) the appointment is to be made as far as possible from among BCR officials below the age of 45 years. If officers who are below 45 years in BCR are not available, it is permissible to appoint people who have crossed 45 years of age but meritorious, intelligent and energetic. The grievance of the applicant is that while the applicant is a BCR official and a senior person, the respondents 1 to 3 have appointed the 4th respondent who is only a One Time Bound Promotion official and has also crossed the age of 45 years, ignoring the more superior claim of the applicant ^{and} than respondents 5&6. The applicant's representation for considering his appointment has been turned down by orders A-4 and A-5. Therefore the applicant has filed this application for a direction to the 1st respondent to set aside A-2 and A-5 and to make a fresh selection to the post of PRI, Pattam Palace, Thiruvananthapuram in accordance with the instructions on the subject.

2. Learned counsel for respondents under instructions from the official respondents stated that the applicant is due to retire on 31.7.99, that the post of PRI being a tenure post for four years it was not found feasible to appoint him, that he has been given an extension at his request in the PSD, that the 4th respondent though OTBP official and above 45 years having been found to be more meritorious, intelligent and energetic has been selected and appointed as PRI in public interest and that the applicant does not have any reason to be legitimately aggrieved.

3. We do not find any justification for judicial intervention in this matter. The official respondents have not violated any rules or instructions while appointing the 4th respondent. No right of the applicant under any Service Rules has been violated

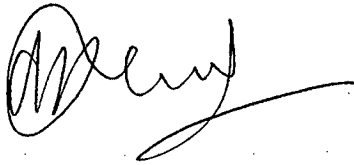
also. It is for the competent authority in the department to evaluate the merits of the officials and to make appointment in the post which requires special qualities and aptitude. The post in question is not a promotion post.

4. In the light of what is stated above, we do not find anything in this application for further deliberation and the same is rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated, the 20th March, 1998.



(SK GHOSAL)
ADMINISTRATIVE MEMBER



(AV HARIDASAN)
VICE CHAIRMAN

trs/24398

LIST OF ANNEXURES

1. Annexure A-2 : Communication vide No.4-52/92-SPB.II dated Nil issued by the Director General.
2. Annexure A-4 : Letter No.8/PSD/GL dated 15-9-97 issued by the 1st respondent.
3. Annexure A-5 : Representation dated 12-11-97 submitted by the applicant to the 3rd respondent.

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