

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 255/92

Wednesday, the seventeenth day of November, 1993

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. P.V. VENKATAKRISHNAN MEMBER (ADMINISTRATIVE)

T. Appukuttan  
S/o Thankappan  
residing at Cheruparambil  
Naduvathunagar P.O.  
Arookutty Village, Alappuzha

Applicant

By Mr. P.S. Biju

vs.

1. The Supdt. of Post Offices,  
Alleppey Division, Alappuzha
2. K.S. Prushan, Kazhannukath House  
Vaduthala Jetty P.O. Arookutty village  
Alapuzha

Respondents

By Mr. C. Kochunni Nair for R-1  
Mr. Babu Cherukara for R-2

ORDER

MR. N. DHARMADAN

Applicant who worked as provisional E.D.B.P.M. Vaduthala Jetty post office since January, 1991 filed this application under section 19 of the Administrative Tribunals' Act for a declaration that he is entitled to be selected in the regular selection considering the past service. He has also challenged the selection of the second respondent and his appointment as EDEPM in the same post office.

2. Earlier when the applicant approached this Tribunal by filing O.A. 659/91, we dismissed the application on the representation of the respondents that they have conducted regular selection for appointment to the post of EDBPM, Vaduthala Jetty post office and the applicant was not selected. We made it clear that judgment that if the applicant is aggrieved by the selection, he may take appropriate steps provided under law. It is pursuant to that direction that the applicant has filed this original application on the ground that the selection of the second respondent has not been

validly made by the first respondent. He has raised various other grounds for attacking the said selection and appointment.

3. Having heard learned counsel for both sides, we thought that decision can be rendered after perusal of the minutes of the selection held on 27.6.91. Accordingly, we directed the learned counsel for respondents to produce the minutes of the selection.

4. Today when the case was taken up for final hearing, the learned counsel for respondents produced the minutes and we have gone through the same. Nine candidates including the applicant were considered on 27.6.91. One Smt. C.P. Sinaba who secured high marks in the SSLC was denied selection on the ground that she is not a permanent resident of the village in which the post office is situated. It is further seen that the applicant was not given any weightage for the past service. In the reply filed by the respondents, it is stated that from 18.2.91 Shri V. K. Gopinathan, who was the regular incumbent, was promoted and the applicant was continuing in that vacancy as provisional hand. The selection was made on 27.6.91. It is not clear whether from the minutes as to the first respondent considered the claim of the applicant that his eligibility for weightage for the past service etc. No indication is there in the minutes as to whether this aspect was in the mind of the first respondent at the time of the selection. In fact the respondents in the reply clearly stated that it is not a relevant consideration because there is no provision under the Recruitment Rules for the E.D. Agents. This stand of the respondents is contrary to the decision of the Tribunal in O.A. 29/90. It is further seen that the second respondent was selected on the ground that she has secured 249 marks in the SSLC and she passed SSLC in the first chance.

It is not a relevant consideration in view of the decision rendered by this Tribunal.

5. This Tribunal considered the criteria for selection in the light of the relevant rules for the E.D. Agents in O.A.254/91, V.V. Pushpavalli vs. Supdt. of Post Offices, Kannur and connected cases for a proper and fair selection and held /as follows:

"9. The criteria for selection of E.D. Agent under the Rules supplemented by relevant instructions are:

- i) Minimum age limit of 18 years and maximum of 65 years should be satisfied for employment as E.D. Agent.
- ii) For the post of EDDA, EDBPM and EDSPM, the candidate should have completed VIII th standard as educational qualification; but when other things becomes equal in every respect, matriculation or equivalent may be preferred. PMG's letter dated 12.8.87 stated that preference shall be given to those who are possessing highest educational qualification but no weightage need be given to qualifications above the level of SSLC. Among matriculates candidate candidate having highest mark has a chance of selection provided the candidate is found physically fit.

In the case of all other categories of E.D. staff no minimum educational standard has been prescribed, but the candidate should have sufficient "working knowledge of the regional language and simple arithmetic." In the case of E.D. Messenger the candidate should possess in addition to the above "enough knowledge of English."

- iii) For the post of EDSPM/EDBPM the candidate should have adequate means of livelihood which is supplementary to the allowances of the work as ED Agents and the selected person should be able to offer space for postal operations.
- iv) The EDSPM/EDBPM must be permanent resident of the village where the post office is located so as to enable him/her to attend official work. In regard to EDMC, ED Carrier, Mail Peon, etc. he should reside in the station of the Main Post Office or delivery jurisdiction.
- v) An E.D. Agent of all categories should furnish a security of Rs. 1000 subject to variations.
- vi) Ability to ride bicycle is a precondition and a candidate should possess ability to ride bicycle in the case of selection

of EDAs to be engaged on out door duties as per letter dated 18.8.73.

vii) The candidate should satisfy physical fitness and sound health for discharging duties. 'The selection should easily be the best one suitable for the post notified' in every respect. Preference will be given to SC/ST to ensure the fixed percentage.

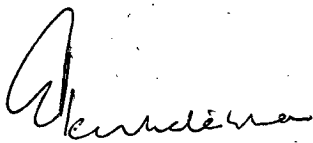
10. The authority who makes selection to an ED post may conduct an interview to satisfy the physical and general fitness of the candidate, but he is bound under the Rules supplemented by instructions to conduct the selection proceedings bearing in mind the above principles and criteria, for choosing the 'best one suitable for the post notified' and not a candidate of his choice using his own discretion in an arbitrary manner. The selection should be fair and impartial. He should apply the criteria scrupulously for picking out the best among the lot. If the Tribunal or the Court on verification of the records and the selection proceedings is satisfied that the above principles and criteria are not followed or applies in the selection proceedings it is liable to be quashed."


6. The first respondent is expected to know the law before making the selection to the post of E.D.B.P.M. Vaduthala Jetty Post Office. On a perusal of the minutes we are not satisfied with the manner in which the selection has been made. He has not followed the rules strictly applying the criteria laid down by this Tribunal in various decisions, one of which is referred to above.

7. In this view of the matter, we are not satisfied with the selection of the second respondent and we are persuaded to accept the contentions raised by the learned counsel for the applicant. Accordingly, we set aside the selection of the second respondent and direct the first respondent to conduct a fresh selection applying the criteria laid down by the Tribunal in the regular selection. All the candidates who were considered in the selection held on 27.6.91 should be considered including the applicant and Respondent No.2 after giving weightage to the provisional service rendered by the applicant as EDBPM in the very same postoffice in the light of the

dictum laid down by the Full Bench of this Tribunal in O.A. 29/90, G.S. Parvathi vs. S.D.I. (Potal) Guruvayoor and others. We further direct that status quo as of today be maintained till the regular selection and appointment ~~in~~ ~~xxxx~~. The above direction shall be complied with within the period of four months from the date of receipt of the copy of this judgment.

8. The application is allowed as indicated above.
9. There shall be no order as to costs.

  
(P.V. VENKATAKRISHNAN)  
MEMBER (ADMINISTRATIVE)

  
(N. DHARMADAN)  
MEMBER (JUDICIAL)

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