

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 261/2000

Friday this the 22nd day of March, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

S.Sheela
W/o G.Vijayan
Extra Departmental Delivery Agent/
Mail Carrier, Panayam B.O.
Via Panavoor
Nedumangadu

...Applicant

(By advocate Mr.Sasidharan Chempazhanthiyil)

Versus

1. Sub Divisional Inspector of Post Offices
Nedumangadu.
2. Chief Postmaster General
Kerala Circle
Thiruvananthapuram.
3. Director General
Postal Department
New Delhi.
4. Union of India rep. by its
Secretary
Ministry of Communications
New Delhi.

...Respondents

(By advocate Mr.R.Prasanth Kumar, ACGSC)

The application having been heard on 22nd March, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

According to the applicant's averment in the OA, she had been working as Extra Departmental Delivery Agent/Mail Carrier, Panayam B.O. since 8.12.97 initially as a substitute of the permanent incumbent and with effect from 8.12.99 as a provisional hand. In support, she filed A-1 dated 8.12.97. She also produced A-2 certificate issued by B.P.M. Panayam in support of her claim. A vacancy of Mail Carrier/EDDA occurred from 8.12.99. First respondent by A-3 open notice invited applications for the



post of EDDA/Mail Carrier from Employment Exchange. Applicant applied for the post. Applicant claimed that she had passed SSLC in 1980 March. She claimed preferential treatment in the recruitment in her A-6 representation in view of her past experience of more than 2 years. First respondent conducted an interview for selection to the post of EDDA/Mail Carrier but the applicant was not called for interview. She claimed that her application for the post of EDDA/Mail Carrier, Panayam was rejected on the threshold without taking her past experience into account. Aggrieved she filed this Original Application seeking the following reliefs:

- i. Call for the records and quash A-3 in as much as it is inconsistent with the Recruitment Rules.
- ii. Direct the 1st respondent to call the applicant for interview and make the selection for the post of, EDDA/Mail Carrier, Panayam strictly in accordance with the Recruitment Rules.
- iii. Declare that making the selection of EDDA/Mail Carrier Panayam on the basis of marks in SSLC of candidates is against the recruitment rules and direct the 1st respondent to regulate the selection accordingly.
- iv. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
- v. Award the cost of these proceedings.

2. Respondents filed reply statement resisting the claim of the applicant.

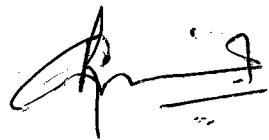
3. Heard the learned counsel for the parties. Learned counsel for the applicant drew our attention to clause 6 in A-3 notice which reads as under:

"In addition to candidates sponsored by employment exchange five candidates who are having highest merit in SSLC/upto SSLC if any, applied through open notification will only be called for interview for consideration of the post."



4. The learned counsel submitted that by this clause, the applicant had been discriminated against in that her case was not even considered even though the recruitment rules provided only for SSLC standard as the qualification by clause 6 from amongst those from the open market. According to clause 6, among open market candidates, only those who possessed SSLC as the minimum qualification would be called for interview if there were more than five SSLC holders applied through open notification. It was also submitted by him that if employment exchange had sponsored any 8th standard candidate, that candidate would be called for interview but if any 8th standard candidate applied directly, such person would not be called. It was also urged that when the Recruitment Rules provided only 8th standard as the minimum education qualification, by introducing clause 6 in the notice the SDI of POs had modified the Recruitment Rules and as such A-3 was liable to be set aside.

5. Learned counsel for the respondents submitted that the applicant was claiming preferential treatment by virtue of she being in the service working as a substitute and as a matter of fact she was a substitute. It was also submitted by him that a large number of candidates applied for the post of EDDA and to reduce the number, clause 6 had been introduced. It was also urged by him that the vacancy was earmarked for OBC and the applicant had not submitted caste certificate along with her application as required under clause 4 (c) of the notice. It was also submitted by him that as the applicant did not come within the first five position as an outside candidate she was not to be called for the interview. He relied on the order of this Tribunal in OA No.996/01 in support of his submissions.

A handwritten signature in black ink, appearing to read 'A. S.' or a similar initials.

6. We have given careful consideration to the submissions made by the learned counsel for the parties, the rival pleadings and have perused the documents brought on record. On a careful consideration of the submissions in the pleadings, we do not find any merit in the applicant's case for the reliefs sought for by her in this OA.

7. It had been categorically stated in the reply statement that the applicant had not submitted her caste certificate as required under clause 4 (c) of the notice. This has not been denied by the applicant by filing any rejoinder. She has also not made any averment in the OA to the effect that she had produced caste certificate. When the Recruitment notice specifically states that the post is reserved for OBC and she had not filed any caste certificate to show that she belonged to OBC and when she had not been called for interview she cannot make out a case before this Tribunal that she should be called because of some flaw in the notification. Such an exercise will be an exercise in futility.

8. In the light of the above, we do not find any merit in this Original Application. Without going to other aspects, we dismiss this OA with no orders as to costs.

Dated 22nd March, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the Joining Charge Report dated 8.12.1997.
2. A-2: True copy of the Certificate dated 17.1.2000.
3. A-3: True copy of the Open Notice published by the 1st respondent dated 24.12.1999.
4. A-4: True copy of the Receipt for Registration.
5. A-5: True copy of the SSLC in 1980 March.
6. A-6: True copy of the representation dated 18.1.2000 to the 1st respondent.

Respondents' Annexures:

1. R-1: True copy of the letter No.17.366/91-ED/TRG dated 12.3.93 of DG. Posts.
2. R-2: True copy of the letter No.Rectt/11-1/85-2 dated 12.8.87 of the Postmaster General, Trivandrum.
3. R-3: True copy of the letter No.Vig/1-4/88 of 1.2.94 of the 2nd respondent.

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