

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 271/03

THURSDAY, THIS THE 19th DAY OF FEBRUARY, 2004

C O R A M

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

Lissy Paul W/o Shyjan Thomas
Perumbillil House Inchathotty P.O.
Kothamangalam

Applicant

By Advocate Mr. Shafik

Vs.

1. Union of India represneted by Secretary
Departament of Posts
Ministry of Communications
New Delhi.
2. The Senior Superintendent of Post Offices
Aluva Division, Aluva
3. The Sub Divisional Inspector (Postal)
Perumbavoor Sub Division
Perumbavoor
4. Smt. Biji Mathew
The Sub Divisional Inpsector (Postal)
Perumbavoor Sub Division
Perumbavoor
5. Sri K.K.Abhilash
Kannaparambil
Inchathotty P.O.
Kothamangalam.

Respondents

By Advocate Mr.C.B. Sreekumar ACGSC for R 1-4
By Advocate Mr. P.C. Sebastian for R-5

The application having been heard on 7.1.2004 the Tribunal
delivered the following on 19.2.2004

O R D E R

HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

The applicant, an unemployed youth (as she described herself) having applied for the post of a GDS Mail Carrier in Inchathotty in response to an open advertisement, is aggrieved by her non-selection despite her heading the merit list on the ground that she failed in cycling. It is her

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contention that she was eased out on a flimsy pretext in order to accommodate another candidate lower in merit ranking.

2. The respondents in their reply statement have stated that cycling is an essential condition of selection and that the application form itself contained a provision to obtain the assurance of the applicant in this regard. The applicant was admittedly ranked first among the candidates shortlisted on the basis of percentage of marks scored in SSLC Examination, she was not found suitable as she failed in cycling test and hence the next in the order of merit, who passed the cycling test was offered the appointment. The respondents strongly contested any imputation of motive or malafide claiming the selection process to have been free of blemish. The counsel for the applicant failed to establish malafide and the counsel for the respondents charged the applicant of complicity with an adhoc GDS Mail Carrier (Shaju Thomas) a relative of the applicant who failed to make the grade for regular appointment, for derailing the entire recruitment process. There was however no evidence to prove such complicity.

3. After hearing the learned counsels for the applicant and the respondents, and examining the evidences produced, we felt that there was a need to examine the recruitment process itself with reference to the original recruitment file containing the applications and the evaluations. The file was produced. We have examined the contents of the file. The recruitment file shows that the sanction for filling the

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retirement vacancy in the post was received on 14.6.02. Applications were called for by public notification on 22.10.02. Employment Officer was also requested for endorsing the names of qualified candidates. The last date of receipt of applications was fixed as 25.11.02. Thirty applications were received in response to the open advertisement. List of candidates sponsored by the Employment Officer was received on 27.11.02. Yet nine of them were sent the application form fixing the last date for them as 27.12.02. Six of them eventually applied and thus thirty six candidates remained in the field for consideration. On the basis of marks scored in SSLC a shortlist of five was prepared and they were called for interview on 24.1.03. A sixth candidate Shaju Thomas, working already on adhoc basis was also included in the list for interview in compliance of the orders of this Tribunal in O.A. 50/2003.

4. No information is available in the file in regard to the interview excepting that records were verified and the signatures of shortlisted candidates were obtained in a tabulation sheet containing information relating to marks scored in the SSLC, knowledge of cycling and ration card particulars etc. This statement in tabulation form is the sole evidence of selection. In respect of the applicant at Serial No.3 the entry in the column relating to knowledge of cycling the first entry 'yes' (in response to possession of knowledge of cycling has been scored out and 'failed' has been recorded uninitialled. Similarly in the column relating to willingness to work in Inchathotty (the location of the

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post) 'yes' has been scored out without initials. A reference to the original application of the applicant showed that she had said 'yes' to the question whether she knew cycling. Nowhere in the file could we find the evidence of cycling test, nor is there any evidence of the person who took the test although it has been claimed by the respondents that the test was taken. On close examination we had reasons to believe that the recruitment process was not transparent. The charge of malafide or nepotism has not been substantiated, but a reasonable doubt persists due to the casual manner in which the results have been compiled. If cycling is so crucial, then that should have been indicated as an essential condition of appointment in the employment notice and the test result should have been on record. Manipulation of result sheet is also no ordinary matter. We are saddened by the lack of responsibility on the part of the respondents, and exasperated by the lack of transparency in the process.

5. In the given circumstances the applicant would be the sole recipient of the benefit of doubt. We thus grant her the relief prayed for and direct the respondents to appoint her to the post only after she passes a cycling test of qualifying level. The cycling test could be conducted in the presence of the Senior Superintendent of Post Offices. The entire exercise should be completed within a month of receipt of this order. No costs.

Dated the 19th February, 2004.

H.P. DAS

ADMINISTRATIVE MEMBER



K.V. SACHIDANANDAN
JUDICIAL MEMBER