

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 294 of 1993.

DATE OF DECISION 5.3.1993

V.R.Nirmalakumari Applicant (s)

Mr.M.Ramesh Chander Advocate for the Applicant (s)

Versus

The Divisional Superintendent
of Post Offices, Kasargod and Respondent (s)
others

Mr. CC Thomas, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman
and

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Hon'ble Mr.A.V.Haridasan, Judicial Member)

The applicant who was a candidate for selection to the post of E.D.Branch Post Master, Konnakkad P.O. is aggrieved by the fact that she was not selected while the third respondent (Shanti Augustin) was selected and appointed. Aggrieved by her non-selection, the applicant made a representation to the Post Master General, in which she alleged that though she possessed all the requisite educational and other qualifications, a person who is considered ^{by her} ~~to be~~ lower than her in the qualifications has been selected and appointed and requesting that the matter should be looked into. The Post Master General after making an enquiry into the matter informed the

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applicant by order at Annexure-B that the enquiry revealed that the selection and appointment was made in accordance with the rules and that there was no foul play in the matter. It is aggrieved by that the applicant has filed this application under Section 19 of the Administrative Tribunals Act. She has alleged that the third respondent who has registered ^{her name} with the Employment Exchange after the cut off date mentioned in the notification and who actually did not possess the residential qualification has been selected. It was also alleged that going by the educational qualification, she should have been considered more eligible. Hence she prayed that the appointment of the third respondent may be quashed and the respondents may be directed to appoint her as EDBPM.

2. We have heard the learned counsel for the applicant as well as the Addl. Central Government Standing Counsel representing Respondents 1&2 and 4. Going through the averments in the application, the representation and the connected papers we do not find any legitimate grievance of the applicant to be redressed. She has no specific case that she has more marks in the SSLC examination than the 3rd respondent, which is considered as one of the criteria for selection for EDAS in the category of EDBPM. Her contention that she has reliably understood that the certificate of residential qualification produced by the third respondent is not a genuine one cannot be taken as correct on its face value. On her ^{competent} complaint the Department has got the matter verified and was satisfied that the selection made was in accordance with law. The applicant has not alleged that either the selecting authority or the PMG has any special interest in the third respondent in order to cast a doubt on the bonafides of the selection. On

an anxious consideration, we do not find that there is anything prima facie arbitrary in the selection of the third respondent. Hence, there is absolutely no ground for any judicial intervention in this matter.

3. In the conspectus of facts and circumstances, we reject this application under Section 19(3) of the Administrative Tribunals Act.


(AV HARIDASAN)
JUDICIAL MEMBER


5-3-93
(SP MUKERJI)
VICE CHAIRMAN

5.3.1993.

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