

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
~~xxxxxxx~~

362

1990

DATE OF DECISION 17.6.1991

G.Sivasankaran Nair Applicant (s)

Mr.T.Ravikumar Advocate for the Applicant (s)

Versus

UDI rep. by Secretary, Respondent (s)  
Min. of Commns., New Delhi & 4 others

[Signature] Advocate for the Respondent (s)

CORAM: Mr.M.R.Rajendran Nair-(for R.5)

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? *Y*
2. To be referred to the Reporter or not? *Y*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. To be circulated to all Benches of the Tribunal? *N*

JUDGEMENT

(Mr.A.V.Haridasan, Judicial Member)

The applicant who was a candidate for selection to the post of Extra Departmental Stamp Vender, Palluruthy has filed this application under Section 19 of the Administrative Tribunals Act, challenging the selection of the 5th respondent and praying that the respondents may be directed to consider him for appointment to that post.

2. When the regular incumbent in the post of Extra Departmental Stamp Vender, Palluruthy was declared qualified for selection as approved Postman, the Postal

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Authorities addressed the Employment Exchange to nominate candidates for selection to fill up that vacancy on a regular basis. As no nomination was received from the Employment Exchange applications were called for from the eligible candidates. Among the 9 candidates who responded to the publication, the applicant who had been working as substitute for sometime in that post was also a candidate. The 5th respondent also was one of the candidates. In the selection process the 5th respondent who had obtained the highest marks in the SSLC Examination among the eligible candidates was selected. Aggrieved by the selection of the 5th respondent and his non-selection, the applicant has filed this application. According to the applicant, he being the son of a retired postal employee and having worked in the same post as a substitute, he should have been preferred for appointment. He has also a case that the selection and appointment of the 5th respondent who does not know cycling is against the rules.

3. The respondents 1 to 4 in their reply statement have justified the selection and appointment of the 5th respondent on the ground that the 5th respondent being the person who has obtained the highest marks in the SSLC Examination and being qualified and eligible in all respects was adjudged to be the best among the candidates. The claim of the applicant that he is

entitled to preference on the basis of his service as substitute ED Agent is disputed by them on the ground that the applicant had been working only for a very short period as a substitute, and that the rules and instructions on the subject do not permit any such preference to be shown to him. It has also been contended that, there is no rule or instruction enabling the department to give preference to the sons or dependents of a retired postal employee. It has been further contended that, as the duties of the ED Stamp Vender is confined to selling stamps at the counter, knowledge of cycling not being <sup>even</sup> an essential ~~or~~ desirable qualification<sup>prescribed</sup>, the case of the applicant that the selection of the 5th respondent is not proper for the reason that she does not know cycling has no merit.


4. We have heard the arguments of the learned counsel on either side and have also carefully perused the documents. It is not disputed by the applicant that the 5th respondent has got <sup>the</sup> highest marks among the eligible candidates who were considered for selection. According to the instructions of the Post Master General, among the candidates who have qualifications of matriculation and above, the persons who has the highest marks in the matriculation examination has the best chance to be selected. We do not find anything objectionable in that instruction. As the applicant had worked only for a short period as ED Stamp Vender, Palluruthy in

leave vacancies, the applicant is not entitled to claim any preference on that score. As there is no rule or instructions <sup>which</sup> ~~lay~~ down that in filling up of the posts of ED Agents' children or relatives of retired postal employees should be given preference. <sup>So,</sup> ~~The~~ claim of the applicant is that he is entitled to preference for the reason that his father was a retired postal employee also has no merit. As contended by the respondents, since the knowledge of cycling is not a qualification prescribed for selection to the post of ED Stamp Vender, the selection of the 5th respondent who has obtained the highest marks in the SSLC Examination among the candidates cannot be faulted for the reason that the 5th respondent does not know cycling. So, on a careful scrutiny of the materials on record, there is absolutely nothing to show that the applicant has any superior claim to be appointed to the post; on the other hand it is evident that the selection of the 5th respondent who has got the highest marks in the SSLC Examination is strictly in accordance with the <sup>comparative</sup> ~~merits~~ of the candidates and the rules on the subject. Therefore, we do not find any merit in the application.

5. In the result, finding that there is no merit in the application, we dismiss the application without any order as to costs.

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

17/6/91

  
(S.P. MUKERJI)  
VICE CHAIRMAN

17.6.1991