

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.38/97

Tuesday this, the 22nd day of April, 1997.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI K.RAMAMOORTHY, ADMINISTRATIVE MEMBER

V.Antony,
Punnakattu Nikarthil,
Thanneermukkom P.O.,
Sherthalai,
Alleppey District.

..Applicant

(By Advocate Mr.Thomas Mathew)

vs.

1. Sub Divisional Inspector of Post Offices,
Shertallai Sub Division,
Sherthallai-688 524.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Union of India, represented by
its Secretary, Department of Posts,
New Delhi.
4. M.V.Subhagan, working as
Extra Departmental Mail Carrier,
Kannankara P.O.
Muttel House, Kannankara,
Shertallai.

..Respondents

(By Advocate Mr.George Joseph,ACGSC(R1-3))

The Application having been heard on 21.3.97,the Tribunal on 22.4.97
delivered the following:

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant as also the 4th respondent who is working as a substitute, EDMC, Kannankara were called for an interview by the 1st respondent for selection and appointment to the post of E.D.M.C., Kannankara on regular basis on 6.5.1996. The applicant had obtained 298 marks in the S.S.L.C. examination while the 4th respondent had obtained only 261 marks, according to the allegations in the application. Though the interview

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was held on 6.5.1996, the applicant who expects to be selected and appointed has not been given the offer of appointment, according to him because the 4th respondent had filed an Original Application No.889/96 before the Tribunal. Under these circumstances, the applicant has filed this application praying that the selection proceedings may be summoned, it may be declared that he is entitled to be appointed to the post and a direction be given to the respondents to appoint him as E.D.M.C., Kannankara.

2. Since this case is connected with O.A.889/96, the official respondents were directed to make available the selection file and both the cases were heard simultaneously. The file relating to the selection shows that though the Department had first issued a selection memo to the 4th respondent in this case, the same was later cancelled and a reselection was proposed to be held. The challenge in O.A. No.889/96 was against this decision. The applicant who has only participated in an interview had not declared to have been selected, has no right to get a declaration that he is entitled to be appointed or for a direction to appoint him. It is for the Department to make the selection and to make appointment of the selected candidate in accordance with the law. Therefore, we do not find any legitimate grievance for the applicant for the time being to be redressed. The application, therefore, fails and the same is rejected under Section 19(3) of the Administrative Tribunals Act.


K.RAMAMOORTHY
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN