

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.38/2004

Dated Tuesday this the 20th day of January, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

A.S.Devan
S/o Kunju Pillai
Ayyampalliplavila Puthenveedu
Poovathoor West
Mavady P.O.
Quilon

Applicant

(By advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
Govt. of India
Ministry of Communication
New Delhi.
2. The Chief Postmaster General
Kerala Circle
Trivandrum
3. The Sub Divisional Inspector (Postal)
Kottarakkara Sub Division
Kottarakkara.
4. The Postal Superintendent
Divisional Office
Kollam.
5. Shri Jaya Prasad
Sub Divisional Inspector (Postal)
Kottarakkara Sub Division
Kottarakkara.

Respondents

(By advocate Mr.C.Rajendran, SCGSC for R1-4)

The application having been heard on 20th January, 2004, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant had applied for the post of Extra Departmental Mail Carrier, Karimpinpuzha Post Office. Finding that the selection was not held in the manner in which it was required to be held, the applicant filed OA 932/97. The Tribunal vide its order dated 24.1.2000 set aside the selection of the 5th respondent therein and directed the respondents to conduct an

interview and make selection afresh on merit in the light of certain observations said to have been made in OA No.725/97 which was referred to in that OA. Although the official respondents as also the 5th respondent in that OA carried the matter before the Hon'ble High Court of Kerala, the original petitions were dismissed. The applicant was by A-3 communication called upon to appear for an interview at 11 a.m. on 10.1.04 before the 3rd respondent producing certificate proving age and qualifications, ration card and community certificate. The applicant appeared. Stating that the interview was not held in accordance with the procedure for holding the interview and that the applicant was informed that he would not be selected, the applicant has filed this application seeking to set aside A-3 communication and for a direction to the respondents to consider the applicant also for appointment to the post of EDMC at Karimpinpuzha and to grant consequential benefits emanating therefrom.

2. When the application came up for hearing, Mr.C.Rajendran, SCGSC, ^{Official} appeared for the respondents.

3. Learned counsel of the applicant argued that as the interview has not been held in conformity with the procedure laid down, the impugned communication is required to be set aside and the respondents be directed to consider appointment of the applicant with consequential benefits. Learned counsel for the respondents, on the other hand, argued that the applicant was called upon to attend the interview for the purpose of making selection and the competent authority has finalized the selection in accordance with the procedure. As no cause of action has arisen to the applicant to invoke the jurisdiction of the Tribunal, the OA requires to be rejected, contends the counsel.

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4. On a careful scrutiny of the application and the material placed on record, we do not find that the applicant has got a valid cause of action to invoke the jurisdiction of the Tribunal. The applicant was called upon to appear for the interview and the required documents were scrutinised by the competent authority and there is no reason for us to presume that the competent authority would make any selection without observing the procedure prescribed. The applicant is impugning the very call letter A-3 whereby he was called upon to appear for the interview and to produce the documents in support of age, qualification etc. We find that this OA is highly misconceived and is required to be rejected.

5. In the light of what is stated above, this OA is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 20th January, 2004.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

aa.


A.V. HARIDASAN
VICE CHAIRMAN