

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 390/99

Tuesday the 6th day of April 1999.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR B.N.BAHADUR, ADMINISTRATIVE MEMBER

K. Ushadevi
"Ushas"
P.O. Vallikunnu North
Via Kadalundi Nagaram

...Applicant.

(By advocate Mr D.Sreekumar)

Versus

1. The Postmaster General
Northern Region, Nadakkavu
Kozhikode.
2. The Supdt. of Post Offices
Tirur Division, Tirur
Malappuram.
3. Smt. Kunhilekshmi
W/o Ramakrishnan
Kandakulangara House
Thenhipalam P.O.
Malappuram.

...Respondents.

(By advocate Mr P.M.M.Najeeb Khan)

The application having been heard on 6th April 1999,
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant was one of the candidates for selection and appointment to the post of Extra Departmental Branch Postmaster, Vallikunnu North. Though the applicant along with others was considered, the third respondent was selected and appointed. Aggrieved by her non-selection and the selection and appointment of the third respondent, the applicant made a representation to the first respondent (A-IV). The first respondent after enquiring into the matter informed the applicant by the impugned order A-V that it was found that from among the candidates considered for selection, a person who secured higher marks in the SSLC examination and was most suitable was selected and appointed to the post and

there was nothing irregular in the process of selection.

It is aggrieved by the A-5 order that the applicant has filed this application for a direction to the respondents 1 & 2 to appoint her as EDBPM, Vallikunnu North, Malappuram.

2. We have perused the application and the annexures thereto and have heard the counsel on both sides. There is no case for the applicant that there has been any malafides which vitiated the process of selection. There is no case for the applicant that she secured higher marks than the third respondent in the SSLC Examination. The only case of the applicant is that the third respondent was not a permanent resident of ^{the} delivery jurisdiction of the post office, which qualification is to be insisted upon only after making appointment as per the extant instructions. Therefore, even if the third respondent was not a resident of the delivery area of the post office, that would not vitiate the process of selection. Further the allegation of the applicant that the third respondent had no sufficient means of independent income can also be considered only as a wishful thinking of an unsuccessful candidate, for, without looking into such matters, the competent authority could not have made the selection especially when no allegation of malafide is made.

3. In the light of what is stated above, this application fails and is dismissed in limine.

Dated 6th April 1999.



B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

Annexures referred to in the order:

1. A-IV true copy of the representation sent by the applicant to first respondent dated 22.9.98.
2. A-V true copy of the order No.Staff/23/12pt dated 10.2.99.
- 3.