

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.394/2007

Tuesday this the 22 nd day of July, 2008.

CORAM:

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR.K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

Anitha PT, W/o Saju,
Thrikkaroor House,
Aruvithura P.O.,
Erattupetta -686 122.

.....Applicant

(By Advocate Shri R.Sreeraj)

Vs.

1. Union of India represented by
its Secretary to Government of India,
Ministry of Communications,
Department of Posts, New Delhi.
2. The Chief Postmaster General,
Department of Posts,
Kerala Circle, Trivandrum.
3. The Inspector of Posts,
Department of Posts,,
Pala Sub Division, Pala.
4. Smt. Ancy PC,
Gramin Dak Sevak Mail Deliverer,
Bharananganam.Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC(R.1-3)

(By Advocate Shri P.C.Sebastian (R4)

The Application having been heard on 22.7.2008
the Tribunal on the same day delivered the following.

ORDER

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has approached this Tribunal seeking a declaration that her non-selection for appointment as Gramin Dak Sevak Mail Deliverer (GDSMD for short), Bharananganam is illegal and to direct the 3rd respondent to reconsider the candidature of the applicant for appointment as GDSMD, Bharananganam in

accordance with law and to appointment her as such, if found suitable. She has also prayed for quashing the appointment of the 4th respondent as GDSMD, Bharananganam.

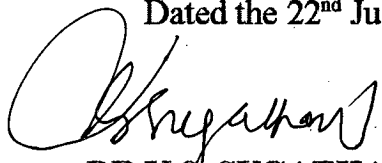
2. Briefly stated, the applicant and the 4th respondent were candidates for selection to the post of GDSMD, Bharananganam. The applicant has secured 430 marks in the SSLC but she did not ride cycle during the test. There was another candidate (Ms.Suja) who has also secured 430 marks but did not pass the cycling test. Both the candidates were, therefore, not selected for the said post. However, the 4th respondent who got the next highest marks (423 marks) but qualified in the cycling test and was selected. The contention of the applicant is that, in the Annexure R-1 notification dated 18/1/2007 for selection and appointment of GDSMD, there was no requirement of passing the cycling test and it was only in the administrative order issued by the D.G. Posts vide letter No.41-462/87-PE-II, dated the 14th December, 1987 the requirement of knowledge of cycling has been prescribed as a condition for appointment to the ED posts. On the other hand, counsel for the respondents submitted that in Clause 17 of the Application Form for the aforesaid post attached to the said notification there was a question as to whether the candidate knows cycling or not and the applicant has answered it in the positive.

3. We have heard Shri R.Sreeraj, counsel for the applicant, Shri TPM Ibrahim Khan, SCGSC represented by Ms.Jisha for R.1-3 and Mr.P.C.Sebastian who appears for the 4th respondent. It is seen that the Gramin Dak Sevaks are appointed not on the basis of any Recruitment Rules framed under Article 309 of the Constitution but on the basis of certain administrative instructions issued by the Director General (Posts) from time to time. Since the D.G.Posts has

already prescribed cycling as an essential requirement for passing the test for appointment of ED/GDS posts, the applicant is bound by the same.

4. In the above facts and circumstances of the case we do not find any illegality in the selection of 4th respondent and the non-selection of the applicant as GDSMD, Bharananganam. O.A. is accordingly dismissed. There shall be no order as to costs.

Dated the 22nd July 2008.


DR.K.S. SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER