

**Central Administrative Tribunal
Madras Bench**

OA/310/00426/2018

Dated Friday the 15th day of June Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

G. Haridoss
No. 269/24, Fathima Malai
Madurai Road
Manapparai
Tiruchirapalli, Pin 621 306. .. Applicant

By Advocate M/s. R. Malaichamy

Vs.

1. Union of India
Rep. by the Chief Postmaster General
Tamil Nadu Circle
Anna Salai, Chennai 600 002.
2. The Postmaster General
Central Region (TN)
Tiruchirappalli – 620 001.
3. The Superintendent of Post Offices
Karur Division, Karur – 639 001. .. Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard both sides. The applicant has filed this OA seeking the following relief:-

“1. To direct the respondents to appoint the applicant as Postman for the vacancy of the year 2016-17 earmarked for SC candidate with all attendant benefits at par with the candidates appointed as Postman based on the LDCE conducted on 26.02.2017; and

2. To pass such further or other orders”

2. It is submitted that in response to notification dated 17.01.17 of the department of posts, the applicant participated in a LDCE restricted to GDS for filling up posts of Postman for the vacancy year 2016-17. The applicant belonged to the SC category and secured 56 marks. Only one vacancy was available for SC for the year 2016-17. One V. Pandikumar belonging to the SC category had secured 59 marks and was placed above the applicant. However, the said V. Pandikumar failed to attend the certificate verification due to which his eligibility to appear for the examination was not established. The respondents accordingly passed Annexure A5 order removing the name of the selected candidate from the select list.

3. It is submitted that once the name of selected candidate was removed, appointment ought to have been offered to the applicant as the second most meritorious candidate in the category of SC. However, in spite of representations made from Annexures A6 to A8 dated 9.10.17, 15.1.18 and 16.2.18, the

respondents have not taken any decision regarding the appointment of the applicant. It is further submitted that the applicant was informally given to understand that he could not be appointed as the validity of the select list had expired.

4. Mr. M. Kishore Kumar takes notice for the respondents and on instructions submits that the applicant's case for appointment could not be considered, as the select list for the year 2016-17 was valid for a period of one year only and the same has expired. The applicant would not have a claim unless his name was recommended at Serial No. 2 in the relevant category. The mere fact that he secured next highest marks below the selected candidate does not mean that he was recommended. The respondents were, however, open to consider his representation and pass a speaking order.

5. Keeping in view the submission, I deem it appropriate to direct the competent authority to examine the claim of the applicant for appointment if he was indeed placed at no 2 in the relevant category. As far as validity of the select list is concerned, in case the applicant was eligible to be considered for appointment in terms of his performance in the competitive examination and the validity of the select list was for a period of one year as submitted, I am unable to see why no action was taken to offer appointment to the applicant immediately after the removal from the select list of the said V.Pandikumar by order dated 26.9.17. Such action ought to have been followed by an offer of appointment to the applicant unless the respondents had other valid reasons not to offer

appointment to him.

6. Learned counsel for the applicant seeks liberty to file a supplementary representation with additional documentary material to support his claim. Applicant is granted liberty to file such representation within one week from the date of receipt of copy of this order. On receipt of such representation, the respondents are directed to consider the same strictly in accordance with the rules governing the appointment and pass a reasoned and speaking order within a period of four weeks thereafter. If the delay had occurred in considering the applicant's claim for no fault of the applicant and such delay resulted in the expiry of the validity of the select list, the lapse on the part of the authorities shall not be held against the applicant to deny him the appointment.

7. OA is disposed of as above.

(R.Ramanujam)
Member(A)
15.06.2018

AS