

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN  
&  
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

OP (CAT).No. 149 of 2015 (Z)  
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AGAINST THE ORDER IN OA 138/2013 of THE CENTRAL ADMINISTRATIVE  
TRIBUNAL,ERNAKULAM BENCH DATED 14-08-2015

PETITIONER/APPLICANT:  
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ANUROOPA K.V, AGED 32 YEARS  
W/O. SANTHOSH.B.R., BAGAVATHIPARAMBILE HOUSE  
KULAYATTIKKARA.P.O., KEECHERY, ERNAKULAM  
PIN-682315.

BY ADVS.SRI.C.K.PAVITHRAN  
SRI.M.X.XAVIER

RESPONDENTS:  
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1. UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS, DEPARTMENT OF POSTS  
NEW DELHI, PIN-110001.
2. CHIEF POSTMASTER GENERAL,  
KERALA CIRCLE, THIRUVANANTHAPURAM, PIN-695033.
3. POSTMASTER GENERAL,  
CENTRAL REGION, KOCHI-682018.
4. SENIOR SUPERINTENDENT OF POSTS,  
ERNAKULAM DIVISION, KOCHI-682011.
5. ASSISTANT SUPERINTENDENT OF POST OFFICES,  
ERNAKULAM SUB DIVISION, KOCHI-682011.

R1-R5 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 11-09-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (CAT).No. 149 of 2015 (Z)

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APPENDIX

PETITIONER'S EXHIBITS

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EXT.P1. TRUE COPY OF THE ORDER DATED 14-08-2015 IN OA 138/13.

EXT.P2. TRUE COPY OF OA 138/2013 ALONG WITH ANNEXURES.

EXT.P3. REPLY STATEMENT DATED 07-08-2013 FILED ON BEHALF OF THE  
RESPONDENTS ALONG WITH ANNEXURES.

RESPONDENTS' EXHIBITS : NIL

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//TRUE COPY//

P.A TO JUDGE

smv

**K. SURENDRA MOHAN  
&  
SHAJI P. CHALY, JJ.**

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**O.P.(C.A.T.) No.149 of 2015**  
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**Dated this the 11<sup>th</sup> day of September, 2015**

**JUDGMENT**

**Surendra Mohan,J.**

The petitioner has filed this Original Petition challenging Ext.P1 order of the Central Administrative Tribunal, Ernakulam Bench in Original Application No.138 of 2013. The order is a common order by which, Original Application No.11 of 2013 has also been dismissed along with Original Application No.138 of 2013.

2. Petitioner had approached the Central Administrative Tribunal (hereinafter referred to as “the CAT” for short) challenging the termination from the post of Gramin Dak Sevak Mail Deliverer (GDSMD for short) at Cheranalloor Post Office. The 5<sup>th</sup> respondent had called for applications for selection and appointment to the said post, by issuing a notification. The petitioner who was one of the applicants was also called for an interview. The applicants had to pass a cycling test, apart from satisfying the academic qualifications prescribed.

3. The case of the petitioner is that, she had passed the cycling test. Thereafter, she was granted a provisional appointment. By an order dated 08.08.2011, she joined the service on 09.08.2011. While so, she was terminated from the service on 01.02.2013. According to the petitioner, her termination was illegal and liable to be interfered with.

4. O.A. No.11 of 2013 was filed by another applicant. According to the applicant in the said O.A., for the purpose of cycling test, only a bicycle having cross bar was provided, which she could not ride. Though she was told that a pass in cycling test was not necessary and that appointment will be made on the basis of her marks in the S.S.L.C. examination, she was not selected. For the above reason, she sought interference with the selection process. She challenged the appointment of the petitioner herein also.

5. Both the Original Applications were considered by the Central Administrative Tribunal, together. The respondents filed a reply stating that the recruitment process that was under challenge before the CAT was vitiated in view of the irregularities committed by the authority in the selection process. Therefore, the competent authority wanted to cancel

the recruitment and renotify the post for selection. Therefore, the CAT has recorded the submission made on behalf of the respondents that a fresh selection process would be initiated, reserved the rights of the petitioner herein as well as the applicant in O.A. No.11 of 2013 to participate in such fresh selection and has dismissed the Original Applications. The petitioner challenges the said common order before us.

6. We have heard Sri.C.K.Pavithran who appears for the petitioner as well as the learned ASGI, Sri.N. Nagaresh who appears for the respondents.

7. The apprehension expressed by the learned counsel for the petitioner is that by the time the posts are re-notified, the petitioner herein would become over aged. The learned ASGI points out that the said apprehension is without any basis for the reason that, the CAT has made it clear in the impugned order itself that the petitioners are at liberty to participate in the fresh selection process.

8. In view of the above submission, we are also not satisfied that the apprehension expressed by the learned counsel for the petitioner is justified. We notice that, even without the junction of the Central Administrative Tribunal, the competent

authority could have cancelled the selection process. Since the O.As were pending, the CAT was informed of the intention of the competent authority to cancel the selection process. The Tribunal has in Ext.P1 order made it clear that the applicants in the respective O.As would also at liberty to participate in the selection process that is to be notified. Therefore, the interests of the petitioner are also safeguarded. We do not find any grounds to interfere with the order of the CAT. We make it clear that if the petitioner is still continuing in service, she shall be permitted to continue, till the fresh selection is completed.

For the above reasons, this Original Petition is dismissed.

Sd/-  
**K. SURENDRA MOHAN**  
**JUDGE**

Sd/-  
**SHAJI P. CHALY**  
**JUDGE**

//true copy//

P.A. To Judge

smv