

CENTRAL ADMINISTRATIVE TRIBUNAL**GUWAHATI BENCH**

Original Application No. 040/00293/2018

Date of Order: This, the 4th day of September, 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Shri Dipak Kr. Sah, GDS Sareli B.O
Son of Shri Chandrama Prasad Sah
Village & P.O.:Sareli
Via: Bargang-784167
Dist: Biswanath, Assam

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Applicant

By Advocate Mr.D.N.Sharma

-AND_

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Communications & IT
Department of Posts, Dak Bhawan
New Delhi-110001.
2. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan, Guwahati-1
3. The Sr.Superintendent Post Offices,
Darrang Division, Tezpur-784001 ... Respondents

By Advocate Mr.R.Hazarika, Addl.C.G.S.C.

ORDER(ORAL)

Per Mrs.Manjula Das, Member(J):

By this O.A. applicant makes a prayer for direction to the respondents to declare the applicant successful in of GDS officials appeared in the combined result sheet of GDS officials who appeared in the Departmental examination for promotion to the cadre of MTS from GDS staff for filling up 25% vacancies for joining in APS in the year 2016-17, 2017-18 held on 29.10.2017 and to set aside the roster points fixed for OBC candidates instead of SC candidates in the result sheet dated 03.11.2017.

2. Heard Mr.D.N.Sharma learned counsel for the applicant, perused the pleadings and material placed before us.

Mr.D.N.Sharma learned counsel appearing on behalf of the applicant submitted that in pursuance of the advertisement dated 22.9.2017 issued by the Chief Post Master General, Assam Circle , Guwahati inviting

applications for holding examination for filling up the unfilled vacancies in the cadre of MTS for the year 2017-18 restricted to GDS for joining in APS 25% recruitment on Competitive examination. It was submitted by the learned counsel that the applicant applied for the said examination for promotion to the post of APS under the category of 25% wherein the applicant appeared in the said examination held on 29.10.2017. On 03.11.2017 the result of the said examination was declared under the head of 25% from GDS, the applicant had obtained 59 marks .

3. Learned counsel further submitted that Sri Partha Pratim Rajbongshi and Sri Malay Kr.Deka GDS MD Mangaldai H.Q was selected against the OBC and UR vacancies respectively on merit basis for the vacancy year of 2017-18. It was submitted by the learned counsel that the applicant is a OBC candidate and he is also entitled to be selected against OBC and UR vacancies on merit basis for the year 2017-18.

4. It was submitted by the learned counsel for the applicant that 25% by direct recruitment on competitive

Examination restricted to GDS, so far the Darrang Division was concerned to ST-1, SC -1, OBC-1 total 3 posts.

5. According to the learned counsel the other circle have announced the name of successful candidate against the vacancies notified under 25% quota among GDS But the Chief PMG, Assam Circle , did not take any action to fill up the vacancies in “OBC” quota and for promotion to join in APS.

6. The applicant makes representation before the CPMG, Assam Postal Circle, on 26.7.2018 with a request to declare the result of APS and engage him in the civil side against SC vacant post or OBC in APS under Darrang Division. Accordingly, prayed for giving minimum post under the Darrang Division.

7. Learned counsel has drawn my attention to the letter dated 28.5.2018 by which the Assistant Director (Staff), office of the Chief Postmaster General, Assam Circle, Guwahati , on the subject of MTS Examination in APS quota, informed the applicant that the MTS Examination held on 29.10.2017 were only for 25% of the vacancy restricted to

GDS in the Department as per order received from Directorate, New Delhi dated 04.10.2017 and APS letter dated 15.09.2017 and accordingly, all the postal circles were directed to stop sending MTS officials to Army Postal Service Centre, Kamptee (Nagpur) for training, till further order from the Directorate.

8. Mr. Sharma, learned counsel further drawn my attention to the Circular dated 27.2.2018 Annexure-A/9) issued by Manju Kumar, DDG(P) by which it was circulated to all the Chief Postmaster General, all circles and intimated that the matter of MTS Examination of APS question has been taken up with the Ministry of Defence(MoD) for relaxation of present restrictions imposed on deputation of Postal Personnel to Army Postal Service Centre for training and clarification is awaited from Ministry of Defence.

The said circular further contained that till such time, these 25% vacancies which are primarily the vacancies occurring in civil side may be filled up and the candidates so recruited may be temporarily deployed in the Civil side till they are finally deputed to APS.

9. Having heard the learned counsel for the parties, perusal of the pleadings and materials placed before me, I noted that vide Directorate New Delhi in F.No.147/2017-SPB-I dated 4.10.2017 all the Postal Circles were directed to stop sending MTS officials Army Postal Service Centre, Kamtee (Nagpur) for training till further order from Directorate. Thereafter, the matter was taken up with the Ministry of Defence (MOD) for relaxation of present restrictions imposed on deputation of Postal personnel to APS, subsequently clarification received from MoD, those 25% of which are primarily the vacancies occurring in civil side may be filled up and the candidates so recruited may be temporarily deployed in the Civil side till they are finally deputed to APS which was circulated to CPMG all circles vide letter dated 27.02.2018.

10. I further noted that in pursuance of the said order dated 27.2.2018 some other Directorate of Postal Service, announced the result of APS candidates, specifically, the Superintendent of post offices, Annakapalee Division (AP Circle) and Mahanashtra Circle have announced the list of

successful candidates against the vacancies notified under 25% quota amongst the GDS for joining in APS vide their result on 6.12.2017. But in the instant case, the CPMG, (Respondent No.2) Assam Circle, has not taken any action in this regard till date.

11. The result sheet vide Departmental Examination for promotion to the Cadre of MTS from GDS staff was announced by the Assam Circle, in which the applicant bearing Roll No.DRR/MTS/478 secured the 3rd rank in the list having scored 59 marks. According to the learned counsel having placed in 3rd rank he deserve to be promoted in MTS cadre in any civil post. It is categorically stated that due to the non action of the respondent's authorities, the applicant has not been promoted.

12. Mr.R.Hazarika, learned Addl.C.G.S.C. appearing on behalf of the respondents however, submitted that he has no objection in sending the matter to the respondents authorities to consider the case of the applicant for promotion to the post of MTS as applied in pursuance of circular dated 22.9.2017.

13. Accordingly, without going into the merit of the case and in the interest of justice, I direct the applicant to furnish the O.A along with the copy of this order before the respondent No.2 within a period of 15 days from the date of receipt of this order. On receipt of such representation, the respondent authority i.e Respondent No.2 to take a decision in the light of the direction dated 27.2.2018 issued by the Ministry of communication & IT Department of Posts, Government of India.

14. It is made clear that this order shall be carried out within a period of 1 month from the date of receipt of this order.

15. With the above observations and directions, the O.A is disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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