

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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OA 257/87

17.08.1992

SHRI KARAM SINGH

...PETITIONER

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM :

HON'BLE SHRI I.K. RASGOTRA, MEMBER (A)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

FOR THE PETITIONER

...NONE

FOR THE RESPONDENTS

...SHRI BATRA,
DEPARTMENTAL
REPRESENTATIVE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI I.K. RASGOTRA, MEMBER (A))

The facts of the case are that the petitioner was working as Daily Wager in Ramesh Nagar Post Office since 23.10.1980. He appeared in the departmental examination for the post of Postman held on 29.5.1983. He was declared successful in the examination and found fit on medical examination. The grievance of the petitioner is that out of eight persons so declared successful, four persons have been appointed as Postman ignoring his claim. The respondents in their counter have clarified that applications for the departmental examination were invited vide notice dt. 23.3.1983 (Annexure R1) according to which the eligibility was

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regulated by the following conditions:-

- (a) All permanent/quasi permanent Class IV officials between the age group of 20 and 45 years as on 1.7.1983 with satisfactory record of service will be eligible to appear in the examination.
- (b) Class IV officials permanent/temporary appointed in that cadre after putting three years of service as EDAs and who are below the age of 42 years in case of O/C and 47 years for SC/ST as on 1.7.1983 will be eligible to appear in this examination.
- (c) The EDA's (including those appointed as temporary Class IV officials) who have put in three years' continuous service as EDAs and below the age of 42 years as on 1.7.1983 are also eligible to appear in the prescribed examination for departmental candidates. They will, however, be recruited against the vacancies for outside candidates.

The petitioner was a daily wager and as such was not eligible for appearing in the departmental examination. He was, however, permitted to appear in the said examination by the Post Master, Ramesh Nagar Head Post Office, New Delhi pending a receipt of clarification sought by him from the Post Master General. He was not given the appointment even though

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he had qualified as he was not eligible to appear in the examination. in view of the conditions laid down in the Notice inviting the applications from the candidates. Further his candidature was provisional. No good ground to refute the arguments of the respondents has been brought out in the rejoinder filed by the petitioner. The application is, accordingly, dismissed with no orders as to costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

17/8/92

I. K. Rasgotra

(I.K. RASGOTRA)
MEMBER (A)