

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

(6)

Original Application No. 849 of 1988

DATED : 20.12.1994

Hon'ble Mr. S. Das Gupta, Member(A)

Hon'ble Mr. Jashir S. Dhaliwal, Member(J)

Om Prakash Sagar S/o Sri Nathi Lal, R/o Village  
and P.O. Mohammadabad Distt. Agra at present re-  
siding Stg. Asstt. SRO 'KP' Dn. Tundla.

Applicant.

By Advocate Shri B.D. Mandhyan

Versus

1. P.M.G., U.P. Circle Lucknow-1
2. Director General Postal, New Delhi-1
3. Asstt. Director(Recrt.)

Respondents.

O R D E R (oral)

By Hon'ble Mr. S. Das Gupta, Member(A)

None for the applicant. On the  
earlier two occasions also none appeared on  
behalf of the applicant. The case is, there-  
fore, liable to be dismissed in default.

2. We have, however, also considered  
the case on its merits, on the basis of pleadings  
on record.
3. The applicant is Group 'C' employee  
of the R.M.S. of the Postal Department. He is  
presently working as Sorting Assistant. He  
appeared in a Departmental Promotional Examination

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for promotion to the post of Inspector Cadre in October, 1980. Although, he secured more than 50% ~~in~~ the aggregate, he was declared unsuccessful for having secured 29 marks in 1st paper. It is also stated that subsequently the department announced a scheme of relaxing the standard in favour of S.C. and S.T. candidates for qualifying in the Departmental Promotional Examination vide memo no.26/2/81-SPB I dated 04.5.1981(Annexure-2), the applicant sought for the said relaxation and his application to the P.M.G., U.P. was forwarded to the competent authority. Since, successive appeals remain ~~et~~ unattended he filed a ~~claim~~ petition in the Central Administrative Tribunal, Allahabad Bench which was disposed of with a direction that the respondents shall consider the case of the applicant on the same lines as they have done in the case of the one post which was ~~they~~ filled in December, 1981 <sup>became due to be</sup> for the second post which <sup>was</sup> filled ~~by~~ a Scheduled Caste candidates on being interchanged after being carried forward for three years and if the applicant is not found unfit for such promotion, to promote him against that vacancy with proforma fixation. The respondents in pursuance of the said direction consider the applicant and found him unfit in the year 1980, Departmental Examination. The applicant has approached this Tribunal challenging the said order.

Sle.

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4. The respondents in their Counter-affidavit have averred that the applicant did not secure required qualifying standard, having secured only 29 marks in the first paper. It ~~is~~ <sup>has</sup> also been stated that all the candidates whether S.C./S.T., must secure minimum qualifying marks in each paper to qualify the same and it is not obligatory to fill up SC/ST vacancy by unqualified candidates. The minimum qualifying standard ~~for~~ <sup>of</sup> a SC/ST candidate was to obtain 33% marks in each paper and 38% marks in aggregate. The applicant failed to secure requisite standard.

5. We have carefully considered the averments made in the O.A. and in the counter-affidavit. Admittedly, the applicant could have been promoted only if, he was found successful in the departmental examination. Admittedly, also he failed to secure minimum qualifying marks in one paper and as per rule, he could not have been declared ~~as~~ successful. As such, he had no right to be declared successful and promotion to the higher grade. The application ~~is~~ <sup>has</sup> therefore, no merit and the same is dismissed. There will be no order as to costs.

/M.M./

Member(JP)

Member(A)