

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The Third Day of August, 2000.

Coram: Hon'ble Mr. S. Daval, A.M.
Hon'ble Mr. Rafiq Uddin, J.M.

Original application No. 533 of 1992.

Ganesh Prasad
son of Late Ram Pal Gupta,
R/O village and Post Shivaramau,
Distt. Fatehpur.

... Applicant.

Counsel for the Applicant: Sri C.T. Gupta, Adv.
Sri M.P. Singh, Adv.

Versus

1. Union of India through Secretary,
Ministry of Communication, New Delhi
2. Senior Superintendent of Post Offices,
Kanpur City Division, Kanpur.
3. Post Master General, Kanpur
Zone Kanpur.
4. Asstt. Director, Postal Services,
Kanpur.

... Respondents.

Counsel for the Respondents: Sri S.C. Tripathi, Adv.

Order (Open Court)

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

This application has been filed for a direction
to the respondents to quash the revised list
circulated on 23.11.90. Directions have also sought
to the respondents to appoint the applicant on the
post of Postman in regular cadre with effect from
17.10.90.

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2. The case of the applicant is that he appeared in the examination on 20.4.80 meant for Extra Departmental Agents for promotion as Postman and was declared successful by Office Memo No. A.D.I/Recrt/Al-3/SC, Kanpur dated 17.10.80. His name was placed at serial No. 20 in the list. The list of successful candidates dated 17.10.80 was revised as per directions given by Director General, Postal Services, vide his letter dated 7.4.89. A new list dated 20.11.80 was prepared in which the name of the applicant had been removed from the revised list whereas names of persons lower in order of merit in list dated 17.10.80 were shown at serial No. 6 and 7. It is also mentioned that the respondents had not shown the instructions to the applicant contained in letter dated 7.4.89 nor the same had been made available to the applicant.

3. We have heard the arguments of Sri C.B.Gupta for the applicant and Sri S.C.Tripathi for the respondents.

4. We had called for the record pertaining to marks obtained by the candidates and we have verified the marks obtained by the applicant.

5. We find from averments made in paragraph 13 of the counter reply that the applicant had incorrectly tried to compare his merit with the candidates of Kanpur Nafassil. The candidate was not to be considered for vacancies of Kanpur Head Office which were to be filled up by the surplus candidates of Kanpur Nafassil Division. It is stated that the applicant was considered for Kanpur City Division but being lower in merit he could not be selected against 12 vacancies of other community in Kanpur

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City Division. Nine candidates of Banda Division and four candidates of Fatehpur Division were selected and last candidate of serial No. 32 of list dated 23.11.90 had secured 110 marks. The four candidates of Fatehpur Division had secured 115, 113, 110 and 110 marks respectively.

6. We have seen the instructions in D.G. Posts Letter No. 44-44/82/S.F.B.-1, dated 7th April, 1980. The relevant instructions contained in paragraph 1(iv) in Section VI relating to promotion prospects of Swamy's Compilation of Service Rules of Extra Departmental Staff 1995 edition reads as follows:-

"In Group 'B' Post Offices, if sufficient E.D.As. can not be recruited from that office, the vacancies shall thrown open to all the E.D.As. of the Postal Divisions located at the same station. If there are still some vacancies left, such vacancies will be thrown open to the E.D. Agents in the region."

On the basis of the aforesaid rule the applicant could have only been considered after the E.D.As. of Postal Divisions located at the same station had been accommodated and there ~~1~~ vacancies left.

7. As per the averments of the respondents there were only 13 vacancies left, out of which four went to Fatehpur ~~went to Fatehpur~~ and nine went to Banda on the basis of merit position of the candidates. Resultantly the last candidate of Fatehpur who was offered appointment was having 110 marks and the last candidate of Banda who was offered appointment was having 112 marks. Since the applicant had only 106 marks, he could not have been offered appointment against the

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vacancies which remained after considering the candidates who belonged to postal division located at the same station. The learned counsel for the applicant has challenged the cancellation of list dated 17.10.90 in which the name of the applicant stood at serial No. 20 above the names of candidates belonging to Kanpur City and Kanpur H.O. respectively placed at serial No. 26 and 27. As per the averments of the respondents the list dated 17.10.90 was cancelled because it was not made in accordance with instructions of D.G. P. & T. dated 7.4.89 which had to be followed in allocating the surplus qualified candidates. Thus the ground of the respondents is valid in the context of instructions of D.G. P. & T. dated 7.4.89.

8. In view of the above, we find no merit in the application and the same is dismissed with no order as to costs.

Rajendra
Member (J.)

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Member (A.)

Nafees.