

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 4th day of December, 2000

C O R A M :- Hon'ble Mr. V.K. Majotra, Member- A.
Hon'ble Mr. Rafiq Uddin, Member- J.

Orginal Application No. 1569 of 1993

Mahipal Singh (s.T) s/o Sri Shyam Singh
R/o Type II, Room No. 3, Kendra Behar Colony,
Ambala Road, Saharanpur, U.P.

..... Applicant.

Counsel for the applicant :- Sri K.P. Srivastava

V E R S U S

1. Union of India, through the Secretary of
Communication Ministry, New Delhi.

2. The Senior Superintendent of Post Offices,
Ghaziabad Region, Ghaziabad.

3. The Post Master General, Dehradun Region,
Dehradun.

..... Respondents.

Counsel for the respondents:- Sri Satish Chatu~~vadi~~

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O R D E R (oral)

(By Hon'ble Mr. V.K. Majotra, A.M.)

The respondents held an examination of Postman cadre in out-sider quota for Ghaziabad Division for filling up the back log/ vacancies of SC/ST catagories. Two posts in the ST catagory were available. The Employment Exchange was asked to sponsor the names. The Employment Exchange sponsored 30 names of eligible candidates. The applicant appeared in the examination and was declared successful vide memorandum dt. 01.04.92. He was ~~ordered~~ for 10 days training at Ghaziabad Head Office. According to the applicant he assumed charge of Postman at Ghaziabad Head Post Office on 20.04.92 and remained in service up to 29.04.92. The Sr. Post Master, Ghaziabad relieved him on 29.04.92 directing him to obtain a fresh order of posting from S.S.P.Os, Ghaziabad. The applicant was informed vide letter dt. 23.06.93 that he had been wrongly awarded marks in relaxation. Such relaxation is applicable only in the case of departmental examination and not for recruitment from the open market. According to the applicant he made various representations including to the P.M.G, Dehradun/ vide representation Dt. 25.05.92 (Annex.A-6) The applicant has alleged that the respondents' action is illegal, arbitrary and contrary to the rules of natural justice. He has sought quashing of respondents order dt. 23.06.93 and direction for posting him as Postman at Ghaziabad Head Post Office.

2. In their counter reply the respondents have stated that the applicant had failed in the paper 'A' of the examination and had not qualified. However, he was awarded grace marks of 16 in the said paper and

declared successful in the examination. Later on D.G. (Posts), New Delhi clarified that order dt. 03.01.92 regarding relaxation in marks in the examination was applicable only in the case of departmental examination and not for recruitment from the open market. Consequently he was not considered as qualified in the said examination and was informed vide letter dt. 23.06.93 accordingly.

3. The applicant has filed R.A as well.

4. We have heard learned counsel for both sides and gone through the material available on record.

5. The learned counsel of the applicant brought to our notice ~~to~~ Government of India, Department of P & T O.M dt. 25.07.1970 and 17.10.86 on the subject of relaxation of Educational Qualification and standard prescribed for SC/ST. In the instruction dt. 25.07.1970 it has been provided that in case of the direct recruitment if sufficient number of SC/ST candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. In the instruction dt. 17.10.86 it has been supplemented that if adequate number of SC/ST candidates who satisfy the minimum standard are not available to fill the reserved vacancies, then SC and ST candidates may be selected to the extent of shortfall in vacancies by relaxing the minimum standard, provided that they are not considered unfit to hold the post.

6. Earlier on 10.05.99 the respondents had been asked to furnish the recruitment rules relating to direct recruitment from the open market as well as method of recruitment for Special Drive meant for SC/ST candidates. In this connection the respondents have failed to produce these documents and the learned counsel has only stated that relaxation for SC/ST candidates is applicable only in the departmental examination and not for recruitment from open market. This contention of the respondents counsel has remained ^u unsupported by any rule/ instruction.

7. Having regards to the reasons stated above in our view instructions contained ^u in circulars dt. 25.07.70 and 17.10.86 which have been referred above are applicable to the facts of the present case. The earlier action of the respondents by awarding grace marks in paper 'A' to the applicant ~~has~~ quite ^{is} ~~which~~ ^u consonance with the relaxation ⁱⁿ standard for SC/ST candidates ~~held~~ ^{as per u} ~~common~~ instructions quoted above. Accordingly in our view it is a fit case for interference by the Tribunal to provide justice to the applicant. Thus order dt. 23.06.93 (Annxe. A- 10) is quashed and set-aside and respondents are directed to appoint the applicant as Postman in Ghaziabad Division within a period of two months from the date of communication of this order. The applicant shall be given benefit of seniority w.e.f 30.04.92. However, he shall not be entitled for any back wages.

8. There will be no order as to costs.

D. Anand
Member- J.

U. Mathur
Member- A.