

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(A2-1)

Original Application No. 1754 of 1993

Allahabad this the 25th day of November 1998

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. S.K. Agrawal, Member (J)

1. Pramod Kumar, Son of Shri Govardhan Das, E.D.B.P.M. Danghara (Nagal), Saharanpur.
2. Mange Ram Sharma, Son of Shri Rehtoo Lal, E.D.D.A., Chandaina Koli (Deoband), District Saharanpur.
3. Prakash Chandra, Son of Shri Manphool Singh E.D.B.P.M., Kiran Kaliyar, Roorkee, under the administrative control of the Senior Superintendent of Post Office, Saharanpur.

Applicants

By Advocate Sri S.N. Srivastava

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. Post Master General, Dehradoon Region, Uttar Pradesh Circle, Dehradoon.
3. Senior Superintendent of Post Offices, Saharanpur Division, District Saharanpur.
4. Anil Kumar S/o Bhanwar Singh R/o House No. 7/1, Railway Road, Ganeshpur, Roorkee, District Hardwar.

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Respondents

By Advocate Km.S. Srivastava

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By Hon'ble Mr. S.K.Agrawal, Member (J)

In this O.A., the applicant makes a prayer to issue the directions to respondents to declare the result of the Postman examination held on 17.5.92 in respect of the Saharanpur Division and issue directions to the respondents not to hold any fresh examination and to quash the letter dated 27.7.93, issued by Senior Superintendent of Post Offices, Saharanpur Division.

2. In brief the facts of the case as stated by the applicants are that vide advertisement no.B-2/37/Pariksha/92, dated 05.2.1992, the applications were invited from the eligible candidates for being promoted/appointed on the post of Postman through examination to be held on 17.5.92. The applicants were fully eligible for appearing in the said examination, therefore, they applied for the same. It is stated that applicant no.1 Pramod Kumar is in service since 24.1.1980. The applicant no.2 Mange Ram Sharma is in continuous service since 23.7.81 and applicant no.3-Prakash Chandra is in continuous service since 24.1.1980. In the seniority list, the name of Sri Pramod Kumar, Sri Mange Ram Sharma and Prakash Chandra appears at serial no. 74, 111 and 4 respectively. It is also stated that although in the advertisement dated 05.2.92, it was noted that the vacancy position would be declared later on but vide letter dated 27.4.92, the vacancy position was also declared and 10 posts were shown to be vacant for being filled up in Saharanpur Division through examination to be held on 17/5/92 and the applicants

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appeared in the said examination but without any justification, the respondent-authorities did not declare the result of the examination held on 17/5/92. The applicant approached the concerned authorities by means of various representations, but result has not been declared so far. It is further stated that under Rule, 50% of the vacancy of the Postman are to be filled in from amongst the Extra Departmental Agents on the basis of length of service and examination, but the respondents-authorities are not declaring the result to which they were bound to declare. It is stated that once the posts of the Postmen were shown to be vacant in the year 1992 and the examinations for filling up these posts had taken place, there was no justification for not declaring the results of the said examination and surpass the valid examination on the pretext that the posts were not available for being filled up. Therefore, by this O.A., it is requested that the respondents be directed to declare the results of the Postmen-examination held on 17.5.92 and not to hold any fresh examination for the existing vacancies of the Postman in Saharanpur Division and to quash the letter dated 27.3.93 issued by Senior Superintendent of Post Offices, Saharanpur Division.

3. The Counter-affidavit was filed by the respondents. In the counter, it is stated that the Postmen examination conducted in every year is based on the estimated vacancy for the same year upto December. In the year 1992, the examination held on 17.5.92, there were 10 vacancies declared out of which five vacancies were for outsider quota and five for departmental quota. It is further submitted that 11 departmental official and 135

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Extra Departmental Agents appeared in the examination, held on 17.5.92. It is further stated that after examination one vacancy of Postman cadre was filled up on re-posting of Sri Bachan Singh vide letter dated 14.7.92 and one post of Postman from A.P.S. (Army Postal Services) was returned. One transfer case under Rule 38 was pending for issue of orders and one post of Mail Overseer, two posts of Postman were abolished vide P.M.G.s letter dated 04.9.92 under B.C.R. Promotion Scheme. There was no candidate available for S.T. in departmental quota outsider quota and merit quota which accounts for ex-serviceman in outsider quota. In the circumstances, there was no vacancy available in Saharanpur division for the year 1992. It is also stated that the respondent no. 2 vide letter dated 22.7.93 has decided as there is no vacancy for Postman cadre, therefore, result need not to be announced and accordingly the respondents has intimated to all the candidates vide letter dated 27.7.93 against which the present petition has been filed. In this way on the basis of the averments made in the counter-affidavit, the respondents have prayed to dismiss this O.A. with cost.

4. The rejoinder has also been filed, which is placed on record.

5. Heard, the learned lawyer for the applicants and learned lawyer for the respondents and have perused the whole record.

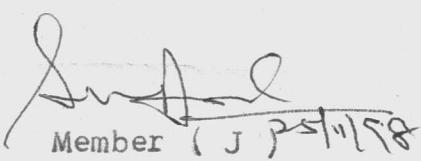
6. It is an admitted fact that in the year 1992,

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the examination for promotion to Postman was held on 17.5.92. It is also clear on the perusal of the record, that every year the estimated vacancies are calculated upto December. It is also evident that in the year 1992, there were 10 vacancies declared out of which 5 vacancies were for outsider quota and 5 for departmental quota. On the basis of the averments made in the counter-affidavit, it is made clear that because of the later development after examination i.e 17.5.92, no vacancy was available in Saharanpur division for Postman cadre, therefore, it was decided that since there is no post available in the cadre of Postman, so result need not to be declared and accordingly the respondents vide letter dated 27.7.93 informed to all concerned.

7. There appears to be no arbitrariness, mala-fides and discrimination on the part of the respondents in not declaring the result of the examination held on 17.5.92 but on the other hand, the respondents have clearly explained the position that why the result was not declared in this case. There appears to be no violation of any fundamental rights of the applicants in this case, incase result is not declared. Therefore, in view of the discussion as above, we are of the considered opinion that the applicants failed to establish any case in their favour and they are not entitled to any reliefs-sought for.

8. Therefore, this O.A. is dismissed with no order as to costs.


Member (J) P-11/58


Member (A)