

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. O.A. 471 of 1996.

Present : Hon'ble Dr. B.C.Sarma, Administrative Member.

Hon'ble Mr. Paritosh Dutta, Judicial Member.

GOUR CHANDRA MAYRA

VS.

UNION OF INDIA & ORS.

For applicant : Mr. N. Bhattacharyya, Counsel.

For respondents : Mr. S.N.Das, Counsel.

Heard on : 2.5.96 :: Ordered on : 2.5.96.

ORDER

B.C.Sarma, AM

This application is directed against the memo No. B-2/ Postman Exam/94, dated, at Baruipur, 21st August, 1995, which is at annexure-A5 to the application. The applicant contends that he had appeared in the examination held for the purpose of giving promotion to the cadre of Postman on 9.4.95 on the basis of the declared vacancy as on 31.12.94. The applicant further contends that he belongs to the other backward community (OBC). The applicant apprehends that although result had been declared, in respect of the candidates from the OBC no one has been shown to have/qualified. The applicant is under the belief that he has qualified in that examination. He further contends that he has submitted a certificate regarding his caste. This being the position, the applicant prays for issue of a direction on the respondents not to fill up one post of Postman reserved for OBC candidates until further order and the respondents be further directed to appoint the applicant to one of the posts of Postman reserved for OBC candidates, if he is considered fit for such appointment to the post of Postman on the basis of results of the examination held on 9.4.95 against the vacancy as on 31.12.94.

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2. When the admission hearing of the matter is taken up today, Mr. S.N.Das, 1d. counsel, appearing for the respondents strongly opposes admission of this application. Mr. Das contends that the application is speculative and it contains apprehension of the applicant to the effect that one post of Postman belonging to the OBC category may not be kept reserved for him, in case he is qualified. Mr. Das, therefore, prays for dismissal of the application at the stage of admission itself in limine.

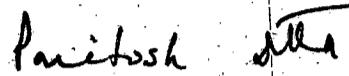
3. The matter has been examined by us after hearing the learned counsel for both the parties and perusing records. We observe that no positive action has so far been taken by the respondents in the matter of filling up the post of Postman and bringing out the result of the examination with respect to the candidates belonging to OBC category, although the examination ⁱⁿ held in April, 1995. We note that/the annexure, which has been challenged in this application, it is mentioned that the results of OBC candidates were held up due to non-submission of OBC certificates by the concerned applicants from the competent issuing authority. The respondents have given valid reason in their order as to why the result of the OBC candidates have been held up. They are obviously not in a position to decide as to who amongst the OBC candidates according to the result of the examination may be given promotion unless all the OBC candidates submitted their/certificates. We further observe that since no positive action has been taken in denying the applicant's prayer and so far no promotion has been made arbitrarily, this application is highly speculative and it is based on ^{the} apprehension. Hence, the application deserves to be dismissed in limine.

4. For the reasons given above, we do not find any merit in this application. The application is, therefore, dismissed at the stage of admission itself without passing any order as



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regards costs. However, we direct the respondents to bring out the result of the said examination with respect to OBC candidates as early as possible.



(Paritosh Dutta)
MEMBER (J)



(B.C.Sarma)
MEMBER (A)