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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 331/2005

Date of decision: 07.09.2006

Hon'ble Mr. Kuldip Singh, Vice Chairman

Hon'ble Mr. J P Shukla, Administrative Member.

1. Ishwar Singh Jodha, S/o Sh Gajendra Singh Jodha Ji aged about 26 years, r/o village & Post Ransisar Vaya Koliya Distt Nagour (Rajasthan). Presently working on the post of GDS BPM at Post Office Ransisar, Distt. Nagour (Rajasthan)
2. Narayan Lal, S/o Sh Jai Rama Ram ji, aged about 28 years, r/o Vill & Post Agunta Vaya Koliya Distt. Nagour (Rajasthan). Presently working on the post of GDS BPM at post office Agunta, Distt. Nagour (Rajasthan)
3. Girdhari Lal, S/o Shri Kana Ramji, aged about 29 years, r/o vill. & post Beri Kalan Vaya Beri Chhoti Distt. Nagour (Rajasthan). Presently working on the post of GDS BPM at post office Beri Kalan Distt. Nagour (Rajasthan)

: Applicants.

Rep. By Mr.S. K Malik : Counsel for the applicants.

VERSUS



1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. Post Master General (Western Region) Rajasthan.
3. Superintendent of Post Offices, Nagour Division, Distt. Nagour (Rajasthan)

: Respondents.

Rep. By Mr. Mahendra Godhra proxy
Counsel for Mr. Vinit Mathur

: Counsel for the
respondents 1 to 3.

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ORDER**Mr. Kuldip Singh, Vice Chairman.**

This is a joint application filed by three applicants. They sought a direction to the respondents to the effect to prepare the merit list of GDS candidates for selection to the post of Postal Assistants, in accordance with the notification dated 17.08.2005 (Annex.A/1) and thereafter they be appointed to the post of Postal Assistants in accordance with the merit list.

2. The facts in brief as alleged by the applicants are that the first applicant Shri Ishwar Singh Jodha, belongs to general category and he was appointed as GDS BPM with effect from 08.11.2000; the second applicant Shri Narayan Lal belongs to OBC category and he was initially appointed to the post of GDSBPM with effect from 20.05.1999; the third applicant Shri Girdhari Lal belongs to Scheduled Caste category and he was initially appointed as GDS BPM with effect from 30.11.1998. Thus all of them have rendered more than three years service and they are eligible to appear in the examination to be conducted to the cadre of Postal Assistants. The respondents had issued a notification dated 17.08.2005 to fill up vacancies for the years 2001, 2003 & 2004 from the candidates belonging to different categories. As all the three applicants were eligible as per the notification they had applied for the said posts. Simultaneously the respondents had advertised thirteen posts



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to be filled by outsiders/direct recruitees through open competition. The applicants and other outsiders had appeared in the said examination. Thereafter the respondents have declared the results of the direct recruitees/outsidees showing the marks obtained by them vide memo dated 28.10.2005. However the results of the GDS departmental candidates was not declared. Hence the applicants submitted representation to the respondents but even then their result has not been declared so far. Therefore the applicants prayed for a direction to the respondents for declaration of their results.

3. The respondents are contesting the O.A by filing a detailed reply. The respondents submitted that permission to fill up the vacancies of Postal Assistant from GDS quota was received from Circle Office Jaipur vide letter dated 07.07.2005 and 24.03.2005. Accordingly vacancies were notified with year wise break up and applications were invited from eligible GDS candidates vide notification dated 17.08.2005 and in response to the above said notification 15 applications from the eligible GDS employees were received including the three applications. It is further submitted that all the 15 applicants were allowed to appear in the examination held on 25.09.2005 and computer and type test was also conducted on 12.10.2005. 40% weightage was given to marks obtained in 10+2 examination and 50% marks to aptitude test and 10% to computer and type test. All the thirteen candidates were declared successful



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against outsider quota and the last OC candidate secured 70.77%; the last OBC category candidate secured 67.95%. The first applicant Shri Ishwar Singh Jodha, who belongs to OC category, has secured 68.18% and the second applicant Shri Narain Lal who belongs to OBC category has secured 45.45% and also the 3rd applicant Shri Girdhari Lal who belongs to SC category has secured 42.73%. . It is averred that as per the rules only those GDS were eligible for being considered for appointment who have secured equal marks secured by the last direct recruit of that category selected in that year. It is further averred that none of the GDS candidate including the applicants who took part in the examination could secure equal marks to that of the last candidate in each category and therefore they were not declared as successful. Therefore the applicants name could not find a place in the select panel. The respondents have also placed on record Annex. R/1 dated 28.10.2005 issued by the Superintendent of Post Office Nagaur, wherein it has been specifically stated that no candidate from GDS quota obtained marks equal to the last candidate of outsider Postal Assistant quota hence no GDS could be selected and vacancies remain unfilled. The respondents have also stated that since the results of the applicants have been declared the present O.A has become infructuous and no illegality has been pointed out by the applicants in the procedure adopted by the respondents. Hence the respondents prayed for the dismissal of the O.A.

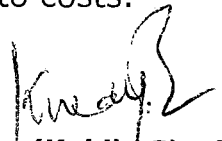


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4. We have heard the elaborate arguments advanced at the bar on behalf of both the parties and carefully perused the records. Admittedly, in the instant case, the applicants did not come out successful in the examination as none of the candidate secured marks equal to that of the last candidate selected from outsider direct recruit quota and therefore their names did not find a place in the panel. Since the Rules on the subject require that a provisional GDS has to pass a test and to secure marks equal to the last candidate appointed in respective category of D.R. quota, only then a provisional GDS can be appointed as per the Recruitment Rules. Since the applicants did not qualify the test as per recruitment rules, they have no case for appointment and by filing reply the result is intimated to the Court. Hence we see no merit in this O.A and accordingly it is dismissed with no order as to costs.




(J P Shkula)
Administrative Member


(Kuldeep Singh)
Vice chairman

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Part II and III destroyed
in my presence on 11/4/14
under the supervision of
section officer (J) as per
order dated 31/01/14


Section officer (Record)