

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.473/95

Tuesday, this the 3rd day of June, 1997.

C O R A M

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P Purushothaman Nair,
Extra Departmental Stamp Vendor,
Vaikom Head Post Office,
Kottayam.

....Applicant

By Advocate Shri N Unnikrishnan.

vs

1. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
2. The Director of Postal Services,
Kochi--682 016.
3. The Postmaster General,
Central Region, Kochi--682 016.
4. The Senior Superintendent of Post Offices,
Kottayam.

....Respondents

By Shri MHJ David, J, Addl Central Govt Standing Counsel.

The application having been heard on 30th May, 1997,
the Tribunal delivered the following on 3rd June, 97:

O R D E R

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant, an Extra Departmental Stamp Vendor, appeared for the examination held on 20.12.92 for recruitment to the cadre of Postman and obtained 102 marks out of 150. However, in the Kottayam Postal Division, in which the applicant appeared, there were no vacancies as mentioned in the application and the examination was held for allotment of surplus candidates to other divisions in the region where some shortfall vacancies may exist.

contd.

Applicant contends that for the shortfall vacancy in Aluva Postal Division, applicant should have been selected since he was the senior-most Extra Departmental Agent. Applicant also contends that there were several vacancies which were given to persons directly recruited on sports quota, which was illegal. Applicant had made a representation in this behalf which has been rejected by the impugned order A.5 dated 26.4.94. Applicant challenges A.5 and prays for a declaration that he is entitled to be appointed as Postman on the basis of his length of service and his qualifying in the examination.

2. Respondents have reiterated the stand taken by the Department in the impugned order A.5, and they submit in their reply that the shortfall vacancy in the Aluva Division was reserved for the Scheduled Tribe Community. That vacancy was thrown open to other divisions in the region and it was filled by a Scheduled Tribe (ST) candidate from Idukki Division. Respondents also submit that out of 184 candidates in Kottayam Division, who appeared in the examination held on 20.12.92, 61 candidates have secured more marks than the applicant and, therefore, applicant stood no chance of being selected for any shortfall vacancy in other divisions to be filled on the basis of merit. Applicant not being a ST candidate also could not be considered for the shortfall vacancy which has been reserved for ST, submit respondents.

3. A.2 instructions on which applicant relies clearly state that:

"After absorbing the required number of candidates as per announced vacancies in respective divisions, the Divisional Superintendent will send the

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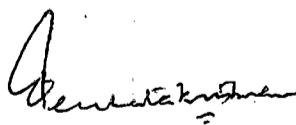
statement of marks of the remaining qualified EDAs who could not be accommodated in the Division, to the Regional Director of Postal Services, indicating therein the choice of Divisions preferred by the respective EDA in his application. Thereupon, the Regional Office will allot the candidates on the basis of merit in the examination in the whole region. The allotments will be to the Divisions/Group 'A' Post Offices which will have shortfall."

[Emphasis added]

Since the applicant came 62nd in the order of merit in the examination, he could not have been considered on the basis of merit for the single shortfall vacancy in Aluva Division, even if that vacancy was not a reserved vacancy. We see no reason to disbelieve the contention of the respondents that the vacancy was in fact reserved for Scheduled Tribe Community and was filled up by a ST candidate from another Division. The contention of the applicant that persons were recruited under sports quota has been denied in the reply statement by the respondents.

4. It is clear that the application is without merit and we accordingly dismiss it. No costs.

Dated the 3rd June, 1997.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A-2 : True copy of letter of Director General, Department of Posts, New Delhi, dated 7-4-1989.
2. Annexure A-5 : A true copy of order dt. 26-4-94 issued by the 3rd respondent order No.CC/2-30/94.

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