

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.570 of 2009

Friday, this the 03rd day of June, 2011

CORAM:

Hon'ble Mr.Justice P.R Raman, Judicial Member
Hon'ble Mr.K George Joseph, Administrative Member

**G Sunil, S/o.N Gopinathan Nair,
aged 45 years, Postal Assistant, (TBOP)
(Business Executive), Head Post Office
Kattappana Idukki, residing at
M.G Mandiram, Kallar P.O,
Thukkuppalam, Idukki**

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Applicant

(By Advocate – Mr. M.R Hariraj)

V e r s u s

1. **Union of India, represented by the Secretary
to the Govt. of India, Ministry of
Communications, Department of Posts
New Delhi**
2. **The Director General, Posts, Department of Post,
Dak Bhavan, New Delhi**
3. **Chief Post Master General, Kerala Circle
Thiruvananthapuram**

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Respondents

(By Advocate – Mr.P.S Biju, ACGSC)

This application having been heard on 03.6.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr.Justice P.R Raman, Judicial Member

The applicant, an aspirant to the post of Lower Selection Grade Postal Assistant cadre in 66.66% quota based on Fast Track Promotion Scheme, is aggrieved by the action of the respondents in not conducting the Examination in Idukki Division. Admittedly, the Fast Track Promotion Scheme was since been stopped based on rules, as directed by this Tribunal vide Annexure R-3

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judgment, which was implemented by amending the Recruitment Rules in 2006. As a result, no examination what so ever is liable to be held for the promotional exercise as that is not in force as of now.

2. But according to the applicant, in 2004 he had made an application to participate in the promotion exercise by appearing for the examination. Though he was eligible, he could not write the examination since no examination was held in Idukki Division. It is his case that he is entitled to participate in the examination whenever there is any vacancy in the Circle under which he is working.
3. According to the respondents, in 2003 there was a stay of conducting any examination. In 2004, however examination were held in some Divisions where there vacancies existed. But in Idukki there was only one vacancy and as such no examination was held. It is their specific case that examination has to be conducted to the vacancies arising in the Division. In so far as there is no vacancy in the Idukki Division except one vacancy, the question of conducting the examination did not arise and as of now since the very scheme dropped by amending the rule, the applicant cannot be granted any relief. It is also pointed out that the applicant cannot seek for conducting an examination against one vacancy in the year 2004 at this distance of time by filing the Original Application. Besides being barred by limitation, it is legally not permissible to grant any relief.
4. We have heard both sides. In Annexure R-1 letter issued by the Department of Posts No. 6-19/82-SPB-II dated 13.12.1985 it is said that it has been decided by the Postal Services Board to make Lower Selection Grade a divisional cadre. It is not shown that this decision has since been reviewed or modified to conduct selection in Circle wise, therefore, we have to proceed on

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the basis of the facts revealed by Annexure R-1, in which case, it is difficult to accept the contention of the applicant that selection has been made Circle wise. It is contended by the respondents that in Idukki there was one vacancy and hence no examination was conducted. This factual position is not refuted based on any materials produced by the applicant. Besides for not conducting the examination in 2004 an application filed in 2009 is badly barred by limitation under Rule 21 of Administrative Tribunals Act, 1985. There is no application for condonation of delay.

5. The scheme itself having been subsequently cancelled as per the amendment of the rules in 2006, it is no longer open to conduct an examination. In the result, we find no merit in the Original Application and accordingly Original Application is dismissed.

(Dated this the 03rd day of June, 2011)


(K GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE P R RAMAN)
JUDICIAL MEMBER

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