

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA. NO. 767/88

Shri C.B. Manjrekar,
Assistant Postmaster,
Malvan Head Post Office,
Malvan - 416 606.
(Maharashtra Circle)

Applicant

v/s.

1. Director General,
Dept. of Posts,
Ministry of Communications,
Govt. of India, New Delhi.

2. Postmaster General,
Maharashtra Circle,
Bombay.

Respondents

CORAM: Hon'ble Member (J) Shri M.B. Mujumdar
Hon'ble Member (A) Shri M.Y. Priolkar

Appearances :

Applicant in person

Shri P.M. Pradhan
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 12.1.1989

(PER: M.B. Mujumdar, Member (J))

The applicant, Shri C.B. Manjrekar, is working as Assistant Postmaster at Malvan, Dist. Sindhudurg. By a notification dated 14.7.1988 published by the Assistant Director-General (Departmental Examinations Posts), Ministry of Communication, Department of Posts, the schedule for item 18 of the calendar of departmental examinations of the Department of Posts to be held in 1988 was published. The examination was the departmental competitive examination for promotion of general line officials to Postmasters Service Group 'B'. The examination was to be held on 27.10.1988 and 28.10.1988. According to the notification, there were four papers. First three papers are with the aid of books and last one without books. Part 3 of the notification stated

that necessary applications be called from the eligible candidates as prescribed in Notification No. 11-4-86-SPG dated 25.6.1986. The last date for receipt of application was fixed on 19.8.1988.

2. It may be pointed out here that the Postmasters Service Group 'B' (Recruitment) Rules, 1986 published in a notification dated 25.6.1988 (referred to in para 2 of the notification dated 14.7.1988) were superseded by the Department of Posts, Postal Superintendent Postmasters' Group 'B' Recruitment Rules, 1987. According to 1987 Rules, the condition of eligibility to the post of Postal Superintendent/ Postmaster Group 'B' was changed and according to the new condition, 94% promotions to the posts of Postal Superintendent/ Postmasters Group 'B' were to be amongst officers holding the posts of inspectors, post offices or inspectors, railway mail service. We are not concerned with this condition in this case. However, 6% were to be promoted from amongst general line officials by means of departmental competitive examination among officials in higher selection grade I (scale Rs.2000-3000) and lower selection grade (scale of pay Rs.1400-2300) with 5 years regular service in either or both the cadres together. We are concerned with this condition in this case. According to the respondents, there is some mistake in these scales but that is not material in this case. According to the old rules of 1986, only those who were having 8 years regular service in lower scale were eligible for promotion.

3. As in the notification dated 14.7.1988, the old rules of 1986 were mentioned, the applicant made a representation dated 18.8.1988 pointing out the mistake and requesting that the examination which was to be held on 27/28.10.1988 should be cancelled.

4. On 13.10.1988, that is 14 days before the examination was to start, this application has been filed under Section 19 of the Administrative Tribunals Act praying for quashing the examination which was to be held on 27/28.10.1988 and for directing the respondents to hold the examination after giving six months time.

5. We have heard the applicant in person. We have also heard Mr.P.M.Pradhan, learned advocate for the respondents yesterday and Mr.R.M.Khirole, Assistant Superintendent of Post offices from PMG's office, Bombay today. It was not disputed that the reference to old rules of 1986 in the notification dated 14.7.1988 was incorrect. However, we have been shown copies of a letter dated 12.8.1988 from the Ministry of Communications, Department of Posts (Departmental Examination Section) in which it is pointed out that the posts of Postal Superintendent and Post-masters Service Group 'B' cadre have been merged to form a common cadre. New recruitment rules have been notified on 11.3.1988 (these are the 1987 rules referred to earlier). It is further pointed out that according to these new rules, 6% of Postal Superintendent/Postmasters Group 'B' are reserved for general line officials to be filled up through departmental competitive examination. The eligibility conditions to appear in the examination have also been revised. Copies of this letter were sent to all recognised unions, federations and all others concerned. According to the notification dated 14.7.1988, the last date for making application for appearing in the examination was 19.8.1988. In view of the letter dated 12.8.1988 by which the mistake in that notification of 14.7.1988 was corrected, the last date for making applications was changed to 31.8.1988. Contents of a telegram received regarding change of this date from the Department of Posts, Assistant Director General (Departmental Examinations/Tests)

was, in turn, communicated telegraphically to all the Superintendents of Post Offices and Senior Superintendents of Post Offices in the Maharashtra Circle on 25.8.1988. It is assumed that all concerned including the applicant must have been made aware of the change in date.

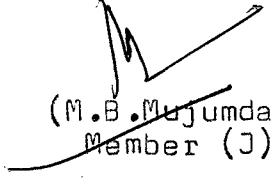
6. Apart from this, it is clear from the representation of the applicant dated 18.8.1988 that the reference to the 1986 rules in the notification dated 14.7.1988 was erroneous. In fact, the applicant had himself pointed out in that representation that new rules of 1987 had come into force. Hence, it is clear that the applicant was aware of the eligibility condition in the new rules. Still he did not care to apply for permission to appear in the examination which was to be held on 27/28.10.1988. In our view, the applicant should have, atleast alternatively, applied for permission to appear in that examination.

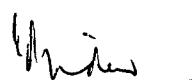
7. We are told on behalf of the respondents that about 2000 candidates have appeared for the examination held on these dates. From Maharashtra 76 candidates applied and 10 to 12 amongst them were the candidates who were eligible according to new rules, but were not eligible according to old rules. Competitive examination for 1989 is to take place on 10.7.1989.

8. In view of all these circumstances, we do not think that it would be proper to cancel the examination which is held in October, 1988. The second prayer of the applicant, namely, that the examination should be held by keeping the margin of six months is going to be achieved so far as the examination which is to be held in 1989 is concerned.

9. At the time of arguments, the applicant made a grievance saying that the syllabus for the examination under the new rules is not published. But in the impugned notification of 14.7.1988 there is a reference to four papers. We are informed by Shri Khirode on behalf of the respondents that the applicant did not take any objection to the syllabus of the examination which was held in October, 1988 in his representation dated 18.8.1988.

10. We, therefore, find no merit whatsoever in this application and hence reject the same summarily under Section 19 (3) of the Administrative Tribunal Act, 1985, with no orders as to costs.


(M.B. Mujumdar)
Member (J)


(M.Y. Priolkar)
Member (A)