

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. NO. 191/93

Date of decision: 15.7.94

BHARAT LAL SHARMA

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

None present for the applicant.

Mr. U.D. Sharma : Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

In this application filed U/s 19 of the A.T. Act, 1985, the applicant, Shri Bharat Lal Sharma, has prayed that the respondents may be directed to appoint the applicant as Postman in Jaipur City Division or any such division where posts of postmen are lying vacant or may arise in future because the applicant has qualified for the post. He has also prayed that the holding of fresh examination of E.D.As for promotion to postmen scheduled for 4.7.93 be ordered to be postponed till finalisation of this application.

2. The applicant's case is that when he was working as E.D. Mail Carrier in Alwar Division, he appeared in the examination for promotion to the postmen, held on 7.7.91 and was declared successful vide letter dated 7.10.91 (Annexure A-3). However, since there was no vacancy of postman in Alwar Division, the respondents asked the applicant whether he was willing to be posted as Postman in Jaipur City Division. The applicant expressed his willingness vide Annexure A-4. He was not given appointment as Postman in Jaipur City Division in pursuance to his acceptance vide Annexure A-4. Meanwhile, the respondents issued a notice on 8.10.91 (Annexure A-1) declaring 36 vacancies for the posts of Postmen in Jaipur City Division and fixed 24.11.91 as the

date for holding examination for E.D. Agents for promotion to the posts of Postmen. The applicant made a representation to the respondents on 2.11.91 requesting them not to hold the proposed examination and absorb the applicant as Postman in Jaipur City Division (Annexure A-5). However, the representation did not evoke any response.

3. The respondents in their reply have accepted that the applicant had qualified in the examination for Postmen held on 7.7.91 but since his name was quite low in the merit list, he could not be appointed against the vacancies in Alwar Division. Thereafter, offer was invited from him for appointment against vacancies in Jaipur City Division. Later, on reconsideration, it was decided to hold a fresh examination and make recruitment for the unfilled vacancies of Postmen in Jaipur City Division and accordingly, letter dated 8.10.91(Annexure A-1) was/holding examination for filling up 15 general category vacancies of Postmen in Jaipur City Division. The examination was held on 24.11.91 and the applicant also appeared in the said examination but failed. According to the respondents, the applicant is estopped from challenging the holding of the said examination. Candidates who were successful in this examination have already been appointed and the process of recruitment in respect of vacancies of Postmen for the year 1991 has already come to an end. The notification (Annexure A-3) is for the vacancies of 1993 and the applicant's request for postponing examination scheduled to be held on 4.7.93 for the said vacancies is not in order. They have denied that any representation was received from the applicant regarding his not being appointed in Jaipur City Division. Even otherwise, since the applicant's name was beyond the number of 15 vacancies in the common merit list of the qualified candidates of Alwar and Bharatpur Divisions and since he had also failed in the examination held on 24.11.91 for Jaipur City Division, the

question of his appointment in Jaipur City Division did not arise.

4. None is present on behalf of the applicant. We have heard the learned counsel for the respondents and have gone through the records.

5. The learned counsel for the respondents has produced before us the copies of certain orders passed by this Bench of the Tribunal in identical matters. The orders passed are in O.A. No. 50/93, Nawal Kishore Vs. Union of India & Ors, decided on 15.9.93; O.A. No. 889/93, Chet Ram Pandey Vs. Union of India & Ors, decided on 28.5.93; O.A. No. 477/92, Ashok Kumar & Ors Vs. Union of India & Ors, decided on 18.5.93 and O.A. No. 131/92, Pati Ram and Anr. Vs. Union of India & Ors, decided on 17.2.93. These applications were filed by E.D. Agents working in other Divisions other than Jaipur City Division who had passed the examination for and Postmen in other Divisions/had been asked to indicate their willingness for appointment in Jaipur City Division because of non-availability of vacancies considering their merit position in those other Divisions, but were, however, not eventually appointed even in Jaipur City Division because fresh examination was held in Jaipur City Division for appointment of Postmen in this Division. It was found that there were only 15 general vacancies of 1991 for appointment of Postmen in Jaipur City Division. The Tribunal had directed that the first 15 candidates who had passed from the other Divisions may be offered appointments in Jaipur City Division.

6. Those 15 posts of Postmen in Jaipur City Division against vacancies of 1991 have already been filled up. Fresh examination in Jaipur City Division for vacancies of 1991 has also already been held. In the circumstances, the applicant cannot be given appointment as Postman in Jaipur City Division against any of the 15 vacancies, as the

applicant is below the number of 15 in the merit order of the Division from which he originally passed the examination.

7. Following the orders of the Tribunal, referred to above and in the facts and circumstances of the present case, we find no merit in this application and it is, therefore, dismissed, with no order as to costs.

(O.P. SHARMA)
Administrative Member

G.Kishore
(GOPAL KRISHNA)
Member(Judicial)