

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 03rd day of February, 2010

ORIGINAL APPLICATION NO. 08/2010
With
MISC. APPLICATION NO. 22/2010

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Radha Mohan Jayaswal son of Shri Ramniwas, aged about 58 years, by caste Kalal, resident of Old Ghat, Khaniya Road, Jaipur. At present posted as EDMC Cleaner, Dak Vahan Seva, Jaipur, GPO Garrage, Jaipur.

....APPLICANT

(By Advocate: Mr. S.R. Choudhary)

VERSUS

1. Union of India through Secretary to the Government, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, PGMTD Office, Sardar Patel Marg, Rajasthan Circle, Jaipur.
3. Sr. Superintendent of Post Offices, Jaipur City Division, Jaipur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

"It is, therefore, prayed that this Original Application may kindly be allowed and by an appropriate order or direction, the order dated 17.4.2008 may kindly be declared to be arbitrary and illegal and the same may kindly be quashed and set aside and the respondents may kindly be directed that the applicant be given appointment on Group D category post or promotion on the post of Postman with effect from the date from which the persons junior to him have been given the said benefit, with all consequential benefits to him.

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Any other appropriate order or direction, which this Hon'ble Tribunal may deem just and proper in the facts of the present case, may also be passed in favour of the applicant."

2. We have heard the learned counsel for the applicant and have also perused the order dated 17.04.2008 whereby the representation of the applicant has been rejected by the authorities pursuant to the direction given by this Tribunal by giving a detailed & reasoned order. As can be seen from Para No. 10 (iv) (v) and (vi), it is evident that the applicant was not eligible for appointment as Group 'D' under Test Category Group 'D' as he did not possess the requisite educational qualification of 8th class. The applicant passed 8th examination on 18.05.2006. At that time he was not within the zone of consideration for Group 'D' being more than 53 years of age because he became over aged. It has been further mentioned in the said Para that one vacancy for selection of Group 'D' for OBC for the year 2002 was approved in 2003 and the name of Shri Radha Mohan was placed before the Selection Committee but he could not be selected being junior candidate. The vacancies for the year 2003 and 2004 were approved for Group 'D' for which he was not eligible as he had not passed class 8th. It is further stated that one vacancy of Group 'D' for OBC for the year 2005 was approved in 2007 but name of Shri Radha Mohan was not placed before the Selection committee. He was above the prescribed age of 53 years for OBC though he had passed class 8th in the year 2006 on 18.05.2006. It is further stated that even if the selection for the vacancy for the year 2005 had been held during 2005, then also the applicant would have become overaged and ineligible for consideration. It was for the ~~foregoing~~^{aforesaid} reasons, the representation of the applicant was rejected.

3. In view of the categorical finding, as noticed above, no relief can be granted to the applicant. However, learned counsel for the applicant has drawn our attention to notification dated 26.10.2009 (Annexure A/5) whereby the respondents have taken steps for filling up the vacancy of Group 'D' for the year 2006, 2007 and 2008 and submits that at least the case of the applicant could have been considered for

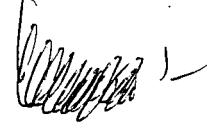
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the vacancy as notified vide this notification by granting relaxation of age to the applicant. Since this is not the case set up by the applicant in this OA, as such no relief can be granted to the applicant. In any case, if the applicant has any grievance regarding notification dated 26.10.2009 (Annexure A/5), it will be open for him to file appropriate representation before the appropriate authority within 15 days from today. In case such representation is filed within the aforesaid period, in that eventuality, the appropriate authority is directed to dispose of the representation of the applicant by passing a reasoned & speaking order in accordance with rules within a period of two months from the date of receipt of a copy of the representation.

4. With these observations, the OA is disposed of at admission stage with no order as to costs.

5. In view of the order passed in the OA, no order is required to be passed in MA No. 22/2010 for taking additional documents on record, which is also disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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