

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.352/98

Date of order: 7/11/2000

Hanuman Prasad, S/o Shri Kanhaiya Lal, R/o Behind Railway
Police Station, Adarsh Basti, Phulera.

...Applicants..

Vs.

1. Union of India through Secretary to the Govt. of India,
Deptt. of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. Senior Superintendent, Railway Mail Service, Jaipur.
4. Head Record Officer, Railway Mail Service, JP Dn, Jaipur.

...Respondents.

Mr.P.N.Jati - Counsel for applicant

Mr.N.C.Goyal - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application, filed under Sec.19 of the Administrative Tribunals Act, 1985, applicant makes a prayer to direct the respondents to entertain the application of the applicant for the recruitment of ED Mailman.

2. Facts of the case as stated by the applicant are that when the applicant has come to know that some posts of ED Mailman are lying vacant in the office of the respondents, he applied for the same but no reply was given by the respondents to the applicant. Ultimately respondent No.3 replied vide his letter dated 23.9.98 to the applicant that he is not competent authority for the recruitment of ED Mailman. It is further stated by the applicant that he is fully eligible for the post of ED Mailman as he has also worked for quite long period on the post. Therefore, the applicant filed this O.A for the relief as mentioned above.

3. Reply was filed. It is stated by the respondents in the reply that no cause of action has arisen to the applicant so as to file this O.A. It is also stated that there was no advertisement/notification/publication for inviting applications for recruitment of ED Mailman. The applicant suo motto sent his application for recruitment on the post as mentioned and he was informed by respondent No.3 accordingly. It is also stated that recruitment on the post of ED Mailman will be made as per Circular dated 19.8.98 and interview to be held on 4.10.98 has been held in abeyance. In this way, it is stated by the respondents that the applicant has no case and

this O.A having no merits is liable to be dismissed.

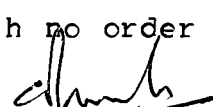
4. Heard the learned counsel for the parties on admission and also perused the whole record.

5. It is undisputed fact that no advertisement/notification/publication for inviting the application for recruitment of ED Mailman was issued by the respondents and the applicant sent his application suo motto to the respondents for recruitment on the post of ED Mailman. It is also the admitted case of the respondents that recruitment on the post of ED Agent shall be made in accordance with the instructions vide letter dated 19.4.97 issued by the Govt of India, Ministry of Communication, Deptt. of Posts, Dak Bhawan, New Delhi and the matter was further examined by the Deptt. of Personnel, Public Grievances & Pension vide OM No.14024/2/96-Est(D) dated 18.5.98. On the basis of the said circular, Govt of India, Ministry of Communication, Deptt. of Posts, New Delhi, has issued a circular dated 14.8.98 and its copy has also been endorsed to all the concerned Departments which is also based upon the judgment of the Apex Court in Excise Superintendent, Malkapatnam Vs. K.B.N.Vishwashwara Rao & Ors, reported in 1996(6)SCC 216. In the circular it has been specifically provided as under:

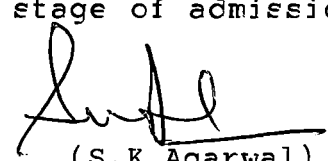
"It has now been decided that in respect of vacancies of EDA's excluding those where the process of recruitment through Employment Exchange/open advertisement has already commenced in addition to confining through the Employment Exchange the vacancies shall be simultaneously notified through public advertisement and candidates nominated by the Employment Exchange as also those responding to the open advertisement will be considered."

6. In the instant case the applicant has submitted his application for consideration for recruitment on the post of ED Mailman suo motto without reference to any notification/advertisement/publication, therefore, no cause of action has arisen to the applicant and this O.A is liable to be dismissed on this ground alone that no cause of action has been arisen to the applicant for filing this 'O.A. As and when the vacancies will be notified/advertised/published, the applicant is free to submit his application, if he is eligible, for the same.

7. We, therefore, dismiss this O.A at the stage of admission with no order as to costs.


(N.P.Nawani)

Member (A).


(S.K.Agarwal)

Member (J).