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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING INDORE

Original Application No. 721 of 2005

Jabalpur this the 21st day of July, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble, Mr. A.K. Gaur, Judicial Member

Morsingh Yadav S/o late Shri Bhujbal Singh,
Aged 39 years, Gramin Dak Branch Post Master,
(Shakha Dakpal, Village Tillor Khurd, R/o village
Bihadiya, Post Tillor Khurd, Tahsil & district
Indore, Pin 452020

Applicant

(By Advocate – Shri D.M.Kulkarni)

Versus

1. Union of India through Secretary,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi-110 001.
2. Post Master General, Indore Region,
General Post Office, Indore.
3. Superintendent of Post Offices,
Indore Mofussil Division, GPO
Residency Arera, Indore

Respondents

(By Advocate – Shri Umesh Gajankush)

ORDER

By A.K. Gaur, Judicial Member :-

The sole grievance of the applicant in the present case is that after having obtained 103 marks out of 150 marks in the examination held for the post of Postman, he has not been given appointment. Accordingly the respondents may be directed to appoint him on the post of Postman and pay the salary and allowances retrospectively w.e.f. 2003 with interest.

2. According to the applicant, he has studied upto 10th class and his date of birth is 16.8.1966. The name of the applicant wa
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registered with the Employment Exchange, Indore and his name was sponsored by the Employment Exchange, Indore for appointment for postal department. The applicant was appointed on the post of Extra Departmental Branch Postmaster (Shakha Dakpal) at Tillor Khurd by respondent No.3 vide order dated 3.3.1987 (Annexure-A-1). The applicant is working in the said capacity for the last 20 years in the pay scale of Rs.1280-135-1980. The services of the applicant are governed by the Rules, now amended and styled as "The Department of Posts Gramin Dak Sevak (Conduct & Employment) Rules, 2001" from the date of their circulation. The applicant is now designated as 'Gramin Dak Sevak Branch Postmaster.' The applicant having become eligible and qualified, ~~and also~~ ^{he} appeared in the departmental examination for the regular post of Postman during the years, 2001, 2002, 2003 and 2004 with Roll Nos. 129, 134, 128 and 98 respectively. During the written examination held in the year 2003, the applicant had obtained 103 marks in three papers (Annexure-A-3). It is urged on behalf of the applicant that the result of the candidates appearing in the examinations for the years 2002 and 2003 were not declared and none of the candidates were appointed on the post of Postman. It is urged on behalf of the applicant that after a great deal ^{of effort} he could obtain his result for the year 2003 and from the result sheet the applicant could know that he was eligible for being appointed ^{to} ~~on~~ the post of Postman. But for ~~the~~ ulterior reasons best known to respondents, it is not clear as to why the applicant was not appointed. There was no reason for screening committee for not recommending any appointment to the post of Postman during the year 2003 when, in fact, there were three vacancies of postman.

3. The answering respondents on the other hand filed a detailed counter reply and it has been asserted that the Grameen Dak Sevaks (Conduct and Employment) Rules 2001 provides postal services in rural areas. The career prospect available to the Gramin Dak Sevaks in the department of posts are two fold. One to be appointed as Group D

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and other as Postman, for the category of Postman, the recruitment Rules are as under :-

“(i) 50% of vacancies in the cadre of Postman are filled in by the Group-D officials who qualify in examination.

(ii) Remaining 50% of vacancies in the cadre of postman are earmarked for outsider quota and are filled in from amongst the GDS. It is further divided into halves (a) 25% vacancies are meant for merit quota, to be filled in, on the basis of merit through the examination (b) remaining half i.e. 25% vacancies are filled in, on the basis of seniority cum fitness, to be adjudged by the departmental promotion committee Annexure-R-a vacancies notified for merit quota are subject to approval/clearance by the Screening Committee, set up at Directorate level, i.e. at the highest level as per the Govt. of India policy Annexure-R-2.”

It is submitted as per existing procedure mentioned above, the examination for promotion to the cadre of Postman for the year 2003 in Indore Mofussil Division was held on 22.6.2003. Vacancies were notified as under :-

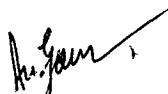
“Vacancy	Community			Total
	OC	SC	ST	
Departmental quota	02	01	01	04
Outsider Quota by merit	01	--	--	01


Result of the examination was declared by the respondents on 4.5.2005 in which none qualified for selection. No candidate appeared in the examination for departmental quota. No clearance of vacancy for merit quota was given by the Screening Committee vide memo dated 25.5.2005 marked and annexed as Annexure-R-3. Hence the result was declared NIL.”

It is clearly mentioned in paragraph 4.5 of the reply that “Result of the examination of the year 2002 was declared as Nil as none was selected because the vacancy was approved for S/T community by the screening committee and ^{one or} not qualified in that category. Similarly, result of examination for the year 2003 held on 22.6.2003 was declared by the respondents vide Annexure-A4. None appeared against departmental quota, hence result was declared Nil.”

4. We have heard the counsel for the parties and noted rival contentions advanced on their behalf and have also considered the merits of the case. It is contended on behalf of the applicant that from the result sheet he could know that he was eligible for being appointed ~~to~~ the post of Postman. We are of the opinion that the result sheet is a statement of marks obtained in the examination, which does not confer any right on the applicant for appointment to postman cadre. In view of Supreme Court's decisions given in (1996) 2 SCC 168, **Union of India Vs. S.S. Uppal**, (1996) 2 SCC 7 **State of Bihar Vs. Kaleemuddin** and 1991 SCC (L&S) 800 **Shanker Saran Dass Vs. Union of India** a person having his name in the select list does not get indefeasible right of appointment to the post. The screening Committee is a high powered committee, set up at directorate level as per the Govt. of India's Policy decision to examine the justification of number of recruitments to be allowed every year with a view to rationalize establishment cost in public interest. It has also been contended on behalf of the ~~applicant~~ ^{respondents} that it is not correct that three vacancies of postman cadre were notified. Only one vacancy for the year 2003 ^{under merit quota} was notified vide Annexure-A-4 and that too was not approved by the screening committee vide Annexure-R-3. The applicant could have no grievance against the general decision of the committee. It is a policy decision of the department and the same is not liable to be interfered with by us.

5. In view of above discussion, the OA has no merit and the same is liable to be dismissed. Accordingly, the OA is dismissed. No costs.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman