

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
CIRCUIT COURT SITTING AT GWALIOR

Original Application No 647 of 2004

~~Indore~~ This the 18<sup>th</sup> day of October, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Prakash Giri S/o Shri Mulla Giri  
Goswami, Aged 40 years, Occupation  
EDDA (Now designated as GDSMC)  
Village Kurroli Distt. Morena (M.P.)

Applicant

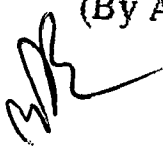
(By Advocate – Shri S.C. Sharma)

VERSUS

1. The Union of India Through the  
Secretary, Ministry of Communication  
(Post Office and Postal Service)  
New Delhi.
2. The Director of Postal Services  
New Delhi.
3. The Post Master General,  
Of (M.P.) Circle, Indore-452001 (M.P).
4. The Chief Post Master General of  
(M.P) Circle, Bhopal -12.
5. The Superintendent of Post Office  
Chambal Division, Morena, M.P.
6. Bhagari Singh Mahaur, Post Man-  
Post office Mehgaon Dist. Bhind  
M.P.

Respondents

(By Advocate – Shri V.K. Sharma)



### ORDER

**By M.P.Singh, Vice Chairman -**

By filing this Original Application, the applicant has sought the following main reliefs :-

“(A) ...to quash the orders of respondents contained in Annexure A/12 and A/18.

(B) .....to quash the order of promotion/appointment of respondent No.6 contained in Annexure A/13.

(C) .....to direct the respondents to promote/appoint applicant on the post of Post-man w.e.f. 15.10.2001 with all consequential benefits.”

2. The brief facts of the case are that the applicant was appointed to the post of Extra Departmental Delivery Agent (now known as Gramin Dak Sewak Vitarak Avam Vahak) vide order dated 23.9.1984 with effect from 12.12.1982 as he was discharging his duties from that date. The respondents have conducted an examination to fill up the post of Postman in 1997. The respondent no.5 had informed the applicant vide order dated 4.5.1998 that the applicant had passed the said examination for the post of Postman. The applicant had given his consent for his appointment on the post of Postman. Thereafter, the respondents did not appoint the applicant to the said post. The respondent no.3 had further issued a notification on 14.3.2001 to fill up the posts of Postman/Mailguard. The applicant was eligible and appeared in the examination. The applicant has been declared passed with 70% marks. In the notification dated 10.4.2001, the respondents declared the position of vacancies <sup>for</sup> of the posts of Postman. In this notification one post of Scheduled Tribe was reserved to be filled from scheduled caste employee on the basis of seniority. One post was reserved for OBC on the basis of merit. When the applicant was not appointed on the post of Postman, despite the fact that he was educationally eligible, having requisite experience of EDDA

*WDS*

and had obtained the highest marks i.e. 70% in the aforesaid examination, he submitted a representation dated 9.1.2002 to the respondents to promote him. The respondents vide their letter dated 14.11.2002 have informed the applicant that the post of Postman for OBC outside quota shown in Annexure-A-9 vacant in Morena division was not true. Thereafter, the applicant sent a representation on 1.7.2003 to the Chief Post Master General, respondent no.4. According to him, the respondent no.6 was appointed to the post of Postman from outside quota <sup>who</sup> <sup>2</sup> and was very much junior to the applicant and <sup>belongs to</sup> <sup>2</sup> ~~is from~~ scheduled caste, <sup>category</sup> <sup>2</sup>. The applicant has also been informed by the respondents that private-responder no.6 has been promoted/appointed against the departmental quota of SC candidates because none could be qualified in that quota from SC employees. But they have not disclosed the reasons and rules under which they have done so. The applicant has contended that the action on the part of the respondents is purely an act of arbitrariness malafide and discrimination. Hence, this Original Application.

3. The respondents in their reply have stated that the Superintendent of Post Offices, Chambal Division, Morena vide his letter dated 10.4.2001(Annexure-R-1) declared the position of vacancies for the post of Postman year 2001. According to this notification, there were two vacancies for departmental quota, one for general category and other for scheduled caste, similarly there was one vacancy each for outsider quota on the basis of seniority in the category of scheduled tribe, and on the basis of merit in the category of other backward class. The Post Master General, Indore in his letter dated 21.6.2001 (Annexure-R-2) revised the vacancy position as two posts in departmental quota in general category, <sup>2</sup> one for scheduled caste. No post was sanctioned for outsider quota.

<sup>2</sup> wrote a In reference to letter dated 21.6.2001 of Regional Officer, again a letter dated 4.7.2001 (Annexure-R-3) was <sup>2</sup> written to the Post Master General, Indore. In reply to letter dated 4.7.2001, the

Regional Office, Indore vide letter dated 11.7.2001 (Annexure-R-4) directed that only 3 vacancies are accepted from departmental quota and two from outsider quota. Only 25 percent posts were to be filled from the vacancies of outsider quota. Therefore, not a single vacancy was declared in outsider quota. The applicant was not promoted on the post of Postman due to non-availability of vacant post in the category of other backward class. In general category no departmental candidate was declared successful. The departmental candidate of scheduled tribe was selected and the promotion for the post of Postman was granted in that category. Similarly, no departmental employee of scheduled caste category was declared successful in departmental examination therefore Shri Bagari Singh Mahor, Extra Departmental Dak Agent, Mahasukhpura (Ambah) Extra Departmental employee was selected on the basis of merit and was promoted on the post of Postman. No senior employee has been promoted or appointed in the category of the applicant. Hence, this Original Application is liable to be dismissed.

4. We have given careful consideration to the rival contentions and we find that earlier an examination was conducted to fill up the four posts of Postman for the year 2001. Subsequently, vide letter dated 10.4.2001, the respondents have notified 4 posts and out of that one was reserved for OBC. This vacancy position has been reviewed by the Post Master General, Indore vide letter dated 21.6.2001 and subsequently only three posts were required to be filled up, out of these three posts, two were earmarked for departmental candidates from general category and one for SC category. The applicant is an OBC candidate. Since no departmental candidate belonging to general category had qualified, two departmental candidates belonging to ST were appointed to the post of Postman. Since none of the SC category candidate from departmental quota qualified, the vacancy reserved for departmental SC candidate has been filled up by appointing a

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candidate belonging to SC from outsider quota on merit. Since the applicant was from outsider quota and was belonging to OBC category, he could not be considered for appointment against general vacancies of departmental candidates. In this view of the matter, the applicant is not entitled to any relief claimed for, in this Original Application.

5. In the result, the Original Application is dismissed, however, without any order as to costs.

(Madan Mohan)  
Judicial Member

(M.P.Singh)  
Vice Chairman

rkv

पृष्ठान्कन सं ओ/व्या..... जयलपुर, दि.....

पति/पतिनी..... जयलपुर

(1) सहील..... के काउंसल

(2) अलेख..... के काउंसल

(3) प्रज्जिता..... के काउंसल

(4) वरप्रसाद, रीत अ. र. काउंसल

सदस्य एवं आवेदनकर्ता का नाम.....

उप रजिस्ट्रार

S.C. Sharma D.S. Gul

V.K. Sharma D.S. Gul

4/11/80

7/8/80

2/11/80