

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 366 of 2000

Jabalpur, this the 20th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

Vijay Kumar Choubey, son of Shri  
Gaya Prasad Choubey, aged about 40  
years, Occupation Extra Dept. Delivery  
Agent, Sihora, Tah. Sihora, Distt :  
Jabalpur, M.P.

... Applicant

(By Advocate - None)

V e r s u s

1. The Union of India, Through  
its Secretary, Department of  
Post and Telegraph, Ministry of  
Communication, Govt. of India,  
New Delhi.
2. Post Master General, Raipur  
Divn. Raipur M.P.
3. Senior Supdt. Post Offices,  
Jabalpur, M.P.
4. Shri Gopal Ram, C/o. S.P.Os  
Raigarh M.P.

... Respondents

(By Advocate - None)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

- "(ii) to promot the applicant as per his entitlement with all consequential benefits accrued theto;
- (iii) to explain the validity of their actions in so far as the same relates with the promotion of the respondent No. 4."

2. The brief facts of the case are that the applicant was appointed as Extra Dept. Delivery Agent in the year 1972. He has stated that the Department issued a circular on 25th March, 1998 for departmental examination for promotion to the post of Postman. For this purpose 50%

applicant has appeared in the said test. The respondents have declared the result of the departmental examination and 5 candidates have been declared successful and ~~were~~ <sup>Ab</sup> have been promoted to the post of Postman. According to the applicant he has also cleared the departmental test but has not been promoted to the post of Postman. Aggrieved by this he has filed this OA claiming the aforesaid reliefs.

3. The respondents in their reply have stated that the Postman cadre is a Divisional cadre and recruitment is done on divisional basis. In the year 1998, the following vacancies were published for Jabalpur vide order dated 19.6.1998 :

	<u>OC</u>	<u>SC</u>	<u>ST</u>	<u>Total</u>
i. Deptt. Quota	3	2	2	7
ii. Outside Quota				
a) On merit	2	-	1	3
b) On seniority	2	-	2	4

The examination for departmental quota and the merit quota was held on 21.6.1998. The results were declared vide memo dated 21st October, 1998 and no departmental candidate was successful and the vacancy of the departmental quota was merged with that of the merit quota. The respondents have specifically submitted that the applicant had taken part in the selection for the merit quota. However no scheduled tribe candidate was successful in the examination and in the circumstances the five vacancies of the general category were filled according to the merit.

3.1. Subsequently the list of surplus qualified candidates of the region and belonging to reserved community was prepared and five of the surplus candidates, who were willing were allotted to Jabalpur vide memo dated 28.12.1998. The applicant although qualified in the examination could not be appointed on account of his position in the merit list. The applicant was placed at

serial No. 8, whereas there were only five vacancies available. The applicant has earlier filed an Original Application No. 273/1999 before this Tribunal and the Tribunal vide its order dated 15th July, 1999 directed the respondents to consider the representation of the applicant. The representation of the applicant has been considered and decided and the applicant has been informed accordingly vide order dated 20th September, 1999. In the circumstances the instant application is totally misconceived and devoid of any merit and is liable to be dismissed.

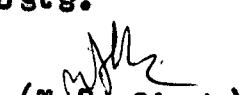
4. None is present for the parties. Since it is an old case of 2000, we propose to dispose of the OA by invoking the provisions of Rule 15 and 16 of CAT (Procedure) Rules, 1987.

5. We have considered the pleadings and perused the records carefully.

6. We find that the applicant has appeared in the examination for the post of Postman and has qualified in the written examination and has been placed at serial No. 8 in the select list. Since there were only five vacancies, the applicant could not be given appointment for the said post. The action taken by the respondents is therefore justified. We do find any ground to interfere with the orders passed by the respondents dated 20th September, 1999, whereby the respondents have rejected the claim of the applicant.

7. For the reasons recorded above the OA is bereft of any merit and is accordingly dismissed. No costs.

  
(G. Shanthanappa)

  
(M.L.)

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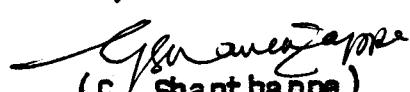
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Judicial Member  
"SA"

  
(M.P. Singh)  
Vice Chairman