

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, GWALIOR.

O.A. No.684/99

with

OA Nos.685, 686 and 687 of 1999

Gwalior this the 15th day of July, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (J)
HON'BLE MR. ANAND KUMAR BHATT, MEMBER (A)

OA 684/1999

Uma Shankar Rajoria
S/o Shri Bhogiram
aged 44 years

Occupation: EDBPM Village Jaloni,
Teh. Ambah, District Morena
R/o Jaloni District Morena (MP). ...Applicant

OA 685/1999

Ram Niwas S/o Shri Ram Kishan

Aged 40 years
working as Extra Departmental Mail Carrier
Branch Post Office Johan
Teh. Ambah, District Morena
R/o Johan District Morena (MP). ..Applicant

OA 686/1999

Hariom Rajoriya
S/o Shri Rameshwar Dayal Rajoriya
Aged 38 years working as
Extra Departmental Delivery Agent,
Branch Post Office Thara,
Tehsil Ambah, District Morena
R/o Village Thara District Morena (MP) ..Applicant

OA 687/1999

Jagdish Prasad Sharma
S/o Shri Chhaviram Sharma
Aged 37 years
Occupation EDDA,
Sub Post Office Porsa District Morena
R/o Porsa District Morena (MP). ..Applicant

By Advocate: Shri S.C. Sharma.

Versus

1. The Union of India
through the Secretary,
Ministry of Telecommunication,
Department of Post,
New Delhi.

2. The Superintendent of Post Offices,
Chambal Division, Morena,
(MP). .Respondents

By Advocate: Shri P.N. Kelkar.

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

By this common judgment we shall be deciding 4 OAs bearing No.684, 685, 686 and 687 of 1999.

2. All the applicants have been working as Extra Departmental Delivery Agents under the postal department for last so many years with effect from ^{various} different dates. The department has a scheme to regularise them as Postman by holding a competitive examination.

3. In accordance with the said scheme the respondents advertised 4 fresh posts of Postman vide their letter dated 4.4.1997. In response to the said advertisement applicants submitted their applications for being selected for the said post. The applicants are stated to have qualified the test and they had been informed that they had been declared successful in the examination and the applicants were also asked to submit their consent for being posted to other divisions out of Indore Division. The applicants exercised their option but still the applicants did not hear from the respondents about the appointment and later on the applicants learnt that some persons, namely, Shrikrishan Shukla was working on a Class-D post in Morena Head Office and Satish Pande was working as EDMC Bhind and similarly one Devi Singh ^{sh were given posting}, Sharma was working as EDMC Jakhona [^] but the applicants were not given any job. However, the applicants later on came to

know that the respondents had issued another advertisement to fill up another 4 posts and the said advertisement is dated 1.4.98. Thus it is submitted that the respondents conducted another examination without exhausting the list of candidates who had qualified earlier. The applicants, therefore, challenged the action of the respondents for not issuing any appointment order to them despite the fact that they had qualified the same.

4. The respondents are contesting the OA. The respondents submitted that the Post Master General Indore Region issued a circular dated 16.12.1996 for departmental examination during 1997. The respondents further submit that it is a competitive examination. Accordingly examination was conducted on 22.6.97 and results were declared after ~~evaluat~~ evaluation of the answer sheets of the candidates and respondents shown the position of the applicants as per Annexure R-4 as obtained ^{by} them in the examination. Accordingl to the respondents applicants were low at merits so they could not be accommodated in the division itself and even in the inter division postings for the regular post. However, the Chief Postmaster General, M.P. Circle, Bhopal vide his letter dated 27.4.98 decided to examine the possibility of Inter Region allotment of surplus qualified candidates to fill up vacancies which had remained unfilled due to non-securing of the marks obtained upto the standard of examination as per Annexure R-5. But this exercise could not be done as the higher authorities had refused to act on the action of the Chief Postmaster General and moreover the next examination has already been announced and thus the exploring of possibility of inter-regional posting of the successful candidates ^{Concluded by} ~~was being~~ made. In the mean while the applicants were also directed to submit their willingness awaiting the decision on the policy to be communicated by the Chief Post

Master General, Bhopal. So it is on the basis of the said willingness the applicants have filed the present OA's, but the fact remains that the Department was not allowed to fill up the vacancies, on inter-regional basis; so applicants could not be offered appointment.

5. We have heard the learned counsel for the parties and gone through the record.

6. As regards the positions obtained by the applicants in the examination conducted by the Department is concerned, the same is not challenged nor there is any dispute about the position obtained by the applicants. Had the policy of postings on inter-regional basis being agreed to by higher authorities then probably the applicants could have been offered appointment somewhere. But since that policy has not been approved and original examination was conducted for a particular region and the applicants could not be accommodated against those vacancies as they were low in the merit so we find that the applicants cannot ask for an appointment outside the purview of the advertisement issued by the Department. Merely because the Department had tried to explore the possibility of accommodating the applicants in some other regions that does not give any right of appointment to the applicant.

7. In view of the above we find that the OA's of the applicants have no merits and the same are liable to be dismissed. Accordingly the same are dismissed. No costs.

Sd/-

(Anand Kumar Bhatt)
Administrative Member

Sd/-
(Kuldeep Singh)
Judicial Member

Rakesh