

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 817 of 1999

Jabalpur, this the 5th day of February, 2004

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

1. Gautam Prasad Ahirwar, S/o.
Shri Himmat Prasad Ahirwar,
aged 32 years, R/o. Village :
Dungasara, Teh. & Distt. Sagar.
2. Mukesh Kumar Dubey, S/o. Shri
Ram Prakash Dubey, aged 32 years,
R/o. Village Pachhore Ward, Shahgarh,
P.O. Shahgarh, Distt. Sagar. ... Applicants

(By Advocate - Shri V. Tripathi on behalf of Shri S. Paul)

V e r s u s

1. Union of India, through
Secretary, Ministry of Communi-
cation, Department of Post,
Sanchar Bhawan, New Delhi.
2. The Chief Post Master General,
M.P. Circle, Hoshangabad Road,
Bhopal.
3. The Senior Superintendent
Post Offices, Sagar Division,
Distt. Sagar - 470001. ... Respondents

(By Advocate - None)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

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

"(i) Summon the relevant record from the respondents for its kind perusal, including the order dated 8.4.99,

(ii) Set aside the order dated 12/22.7.1999.

(iii) to declare the result of the examination held on 14.6.98 and 24.9.98 and if the applicants are found selected propose/appoint them on the post of postal assistance with all consequential benefits of seniority, arrears of salary, pay fixation etc."

2. The brief facts of the case as stated by the applicants



are that the applicant No. 1 is working as Extra Department Branch Post Master and the applicant No. 2 as Extra Department Delivery Agent. Both the applicants are working under respondent No. 3 and have appeared in the selection made to the post of Postal Assistants on 14th June, 1998. According to the applicants they were selected in the written examination and were issued call letters for viva-voce. They have participated in the interview on 24th September, 1998. They have also submitted that the results of the examination has not been declared and on the other hand the respondents have cancelled the selection held for the post of Postal Assistants. Aggrieved by this the applicants have filed this Original Application claiming the aforesaid reliefs.

3. The respondents on the other hand state that the notification was issued on 2nd April, 1998 for filling up of two left over vacancies out of departmental quota. Out of the two vacancies one was reserved for scheduled caste and one for general category candidate. They have also stated that as per the recruitment rule for the post of Postal Assistant 50% vacancies are to be filled by way of direct recruitment and 50% from the Postman Cadre and other class-IV departmental employees, in the departmental quota. According to the respondents the vacancy for the year 1997 was wrongly calculated by the Department. The Department on the basis of earlier computation of vacancies i.e. eight vacancies for direct recruitment and 8 for departmental candidates, had already filled in six vacancies in direct recruitment quota and as such, two candidates were recruited in excess of the number of vacancies i.e. four. Since there was no vacancy and the Department had already made recruitment of two candidates in excess, the selection proceedings





could not be continued as the two vacancies notified by notification dated 2.4.1998 could not be filled in absence of posts. In fact the respondent No. 3 had wrongly calculated the vacancies as 16, whereas the number of vacancies were available only was 8. The said mistake of calculation was detected by the Head Office and therefore, question of making recruitment in absence of posts does not arise. Since there were no vacancies available to be filled ^{up} by the departmental candidates, the results were not declared and the examination itself has been cancelled by them. In view of the position mentioned above the applicants have no case and the Original Application is liable to be dismissed.

4. Heard the learned counsel for the applicants and perused the records and pleadings carefully. None is present for the respondents. Since it is an old case of 1999, we proceed to dispose of the same by invoking the provisions of Rule 16 of CAT (Procedure) Rules, 1987.

5. The learned counsel for the applicants has submitted that according to the submission made in the rejoinder, vacancies in the grade of Postal Assistants are available. This fact has not been denied by the respondents. It is also submitted that the respondents may be asked to produce the original records to show the number of vacancies available during the year 1997. He has further not produced any documentary evidence by which it could be confirmed that certain vacancies were available in the year 1997 to be filled up by the departmental candidates. According to him, all the records are available only with the respondents and they may be asked to produce the documents in support of their denial that there were no vacancies.





6. We have very carefully considered the rival contentions and we find that the vacancies in the grade of Postal Assistants are required to be filled up by 50% by direct recruitment and 50% by departmental candidates. According to the notification issued by the Department 16 vacancies were notified but when the mistake was detected by the Department it was found that there were only 3 vacancies which were required to be filled up by both direct recruitment as well as by departmental candidates. The Department has already filled up 6 vacancies against the availability of four vacancies in the quota of the departmental candidates. Therefore there was no question of holding selection. There was also no vacant posts available for the departmental candidates. Hence we find that the applicants have failed to prove their case. Accordingly, the Original Application is dismissed. No costs.

(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

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पृष्ठांकन सं. औ/व्या.....	जवलपुर, दि.....
परिवर्तिति वाप्ते लिपा--	
(1) राधिल, उत्तर वर्षायाम वार दे लिपा--	जवलपुर
(2) वार्षिक वैदी/वीर्जी/प्रिया.....	काठसल
(3) प्रसादी/वैदी/वीर्जी/प्रिया.....	काठसल
(4) जुड़दाल, उत्तरायाम वर्षायामीठ	
सूझा एवं आवश्यक कर्तव्यकारी हेतु	Chirand 15/10/2014
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