

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 respon-
dents 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 promote/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.

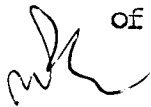
3. The respondents on the other hand state that the notification was issued on 2nd April, 1998 for filling up of two left over vacancies out of departmental quota. Out of the two vacancies one was reserved for scheduled caste and one for general category candidate. They have also stated that as per the 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.



(M.P. Singh)
Vice Chairman

पृष्ठसंज्ञ सं औ/व्या.....ज्वलपुर, दि.....
परिमितिपि आने मिलत:-

- (1) सचिव, जल संसाधन विभाग, जयपुर
- (2) आदेशक जी/जीसी/जु के कार्यालय S. Paul
- (3) प्रबंधी जी/प्रबंधी/जु के कार्यालय S. C. Sharma
- (4) उपर्युक्त, जयपुर, जयपुर नगरपालिका
- सूचना एवं आवश्यक कार्यवाही हेतु Bhimdar
- उप निरीक्षक 13/1/04

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