

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 820 of 2000

Jabalpur, this the 8th day of April, 2004

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

Hukum Lal Patel
aged about 36 years,
S/o Ram Singh Patel,
Gram + Post: Budherua
Via Nadan,
Distt. Satna.

APPLICANT

(By Advocate - None)

VERSUS

1. The Union of India
through its Ministry of
Communication, Deptt. of
Post, New Delhi.
2. The Chief Post Master General,
MP Circle, Hoshangabad Road,
Bhopal.
3. The Post Master General,
Raipur Region,
Raipur.
4. The Superintendent Post Offices,
Rewa Division,
Distt. Rewa.

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

None is present on behalf of the applicant. Since it is an old matter of the year 2000, we are disposing of this OA by invoking the provisions of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this OA, the applicant has sought the following main reliefs :-

dt. 31.7.2000

- "(ii) Set aside the order/ Annexure-A-1
(iii) Command the respondents to issue a posting order to the applicant pursuant to his

selection as Postal Assistant forthwith with all consequential benefits as if the impugned order dt.31.7.2000 is never passed.

(iv) direct the respondents to treat the applicant as appointed as Postal Assistant, as if the order dt.31.7.2000 is not passed and direct them to grant seniority, arrears of salary fixation etc. from that appointment of time."

3. The brief facts of the case are that the applicant is working as Extra Departmental Agent (for short 'EDA'). In accordance with the Government of India, Ministry of Communication, Department of Posts letter dated 8.3.96 (Annexure-R-1), the unfilled vacancies of Departmental (for Short 'PA') quota of Postal Assistant/cadre's are to be filled with eligible EDA. Accordingly there were 10 vacancies in Postal Assistant Cadre in the year 1995 from departmental quota which were proposed to be filled from eligible EDAs and selection process was held in the year 1997. The applicant was also a candidate for selection to PA cadre from EDA's quota but his name being ^{lower} below in merit in comparison to other candidates, who were selected, in terms of DG Post letter dated 28.2.95 (Annexure-R-2), he was not selected. In selection process, total 10 candidates were selected, ^{with} ~~for vacancies of that period~~ ^{of} ~~strictly in accordance with merits~~. Aggrieved by this, he has filed this OA claiming the aforesaid reliefs.

4. The respondents have filed their reply stating that as per recruitment rules, the verification of mark sheet and antecedents of the selected candidates were required to be completed before giving regular appointment. In the process of verification of mark sheets of the selected candidates, the mark sheet of Smt Poonam Devi Shukla (the candidate at serial No.5 of Annexure-R-3) who had passed Madhyama (Visharad) from Hindi Sahitya Sammelan Allahabad was not found to ^{have} the requisite standard of education i.e. 12th class for selection to PA cadre as

informed by Allahabad University vide their letter dated 2.8.99(Annexure-R-4) and therefore, her name was removed from selected list(Annexure-R-3) in Sept.99. The applicant was wrongly informed of his selection against this vacancy. However, as per instructions issued by the Government of India, Ministry of Communication, Department of Post letter dated 24.9.92(Annexure-R-5) the unutilised vacancies of PA cadre from EDA's quota are to be allotted to the direct recruitment quota(For open Market). Accordingly, the vacancy ^{caused by} due to cancellation of the selection of Smt Poonam Devi Shukla was to be transferred to the vacancies for direct recruitment quota for the year 1999 but the selection of the applicant was done in contravention of these Rules. Later on, when it was found that the selection of the applicant against a vacancy which has occurred due to removal of candidates ^{from} of the panel is ⁱⁿ contravention of the rules, his selection was cancelled. In view of the rule position, the OA does not have any merits and is liable to be dismissed.

consideration
5. We have given careful/to the pleadings made by the parties. We find that there were 10 vacancies of the Postal Assistant for departmental candidates working as EDA. The applicant was one of the candidates for the post and he was placed in the list of selected candidates at serial No. 11, when a candidate at serial No. 5 was removed from panel due to lack of educational qualification, the vacancy was wrongly given to the applicant and the applicant was ~~shown and he was~~ ^{with} selected against that vacancy. However, it was found that the vacancy cannot be utilised by taking another EDA from panel of the selected candidates and is required to be diverted to direct recruitment as per recruitment rules. The selection of the applicant was cancelled. The action

taken by the respondents is justified and in accordance with the rules. It is well settled proposition that the candidates to be selected on the basis of competition does not have any legal right for appointment. The OA is therefore, bereft of merits. Accordingly, it is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

SKM

पृष्ठंकल सं ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अर्पित:-
(1) सचिव, उच्च न्यायालय ज.प्र.पं.ज.अ. जबलपुर
(2) आवेदक श्री/श्रीमती/शु.....के काउंसल
(3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल
(4) वॉयपाल, के.प्र.अ., जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

S. Paul
SA Dharmawikari

Filed
21.4.04

रजिस्ट्रार