

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

ORDERS OF THE TRIBUNAL


30.03.2009

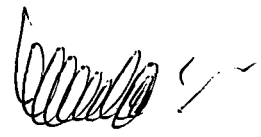
OA No. 572/2005

Mr. C.B. Sharma, Counsel for applicant.
Ms. Dilshad Khan, Proxy counsel for
Mr. S.S. Hassan, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 30th day of March, 2009

ORIGINAL APPLICATION NO. 572/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Bholu Ram Kumawat son of Shri Mohan Kumawat, aged about 23 years, resident of Village & Post Govindpura (Palsana) and presently working as Gramin Dak Sevak Branch Post Master Jillo (Maonda-R.S.) District Sikar. Aspirant for appointment to the post of Postal Assistant/ Sorting Assistant through Departmental Competitive Examination under Promotional Quota.

.....APPLICANTS

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, New Delhi.
2. The Principal Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Superintendent of Post Offices, Sikar Postal Division, Sikar.

.....RESPONDENT

(By Advocate: Ms. Dilshad Khan proxy to Mr. S.S. Hassan)

ORDER (ORAL)

The applicant has filed this OA thereby paying for the following reliefs:-

- (i) That the respondents may be directed to conduct separate examination for lower grade officials for unfilled vacancies to be filled in through Gramin Dak Sevaks in promotional quota by quashing examination dated 25.09.2005 in respect of Gramin Dak Sevaks.
- (ii) That the respondents be further directed to declare result of the applicant by maintaining separate merit for Gramin Dak Sevaks against vacancies meant for by quashing condition as prescribed in column No. 11 (b) (b) of recruitment rules (Annexure A/2) relating to obtaining of marks not below the marks secured by the last direct recruit.
- (iii) That respondents may be further directed to communicate marks to the applicant.

- (iv) Any other order, direction or relief may be passed in favour of the applicant, which may be deemed fit, just and proper under the facts and circumstances of the case.
- (v) That the cost of this application be awarded.

2. The grievance of the applicant in this OA is regarding the selection conducted by the respondents to the post of Gramin Dak Sevak pursuant to notification dated 29.03.2005 (Annexure A/4). The applicant belongs to ED Agent category and submitted that as per provisions contained in Recruitment & Promotion Rules, only those Gramin Dak Sevaks shall be eligible for being considered who have secured marks not below the marks secured by the last direct recruit of the relevant category selected, as the case may be, of Other Communities, Scheduled Castes, Scheduled Tribes or Other Backward Classes of the same year. The grievance of the applicant is that he should have been allowed the benefit of instructions dated 24.08.1992 whereby those ED Agents has been made eligible for being considered who have secured not less than 10% marks in comparison to the last open market candidate considered.

3. The respondents have filed their reply thereby justifying their action. It has been stated that as per Rules, the marks obtained by the last candidate of the concerned category, who has been selected was 68.95% marks while the applicant in the present OA has secured only 56.35% marks. Since the applicant could not secure the marks equal to the last candidate of the category, therefore, he could not be selected as PA in terms of the provisions contained in the Recruitment Rules.

4. We have heard the learned counsel for the parties. Learned counsel for the applicant submits that the respondents conducted the examination for the post of PA on divisional basis whereas it should have been conducted on centralized basis and in that contingency the person who has secured only 62% marks in other division has been selected. Learned counsel for the applicant has drawn our attention to the judgement rendered by this Tribunal in OA No. 492/2005 decided on 22.09.2006 whereby the same notification dated 29.03.2005 was under consideration and this Tribunal has directed the respondents to conduct the examination on centralized basis. It is further stated that the respondents have filed


Writ Petition before the Hon'ble High Court and Hon'ble High Court ^{has} ~~has~~ ^{seized a} ~~seized a~~ ^{ceased} of the matter and the respondents have been permitted to make selection subject to the outcome of the Writ Petition.

5. Learned counsel for the applicant further submits that in view of this development, he does not wish to press this OA and, if need be, the applicant may be permitted to file substantive OA after the issue is finally decided by the Hon'ble High court in pending Writ Petition.

6. In view of what has been stated above, the applicant is permitted to withdraw this OA at this stage with liberty reserved to him to file substantive OA for the same cause of action.

7. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ