

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 18th day of February, 2010

ORIGINAL APPLICATION NO. 473/2006

CORAM:

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

Om Prakash Sharma son of Shri Ishwari Prasad Sharma, aged about 41 years, resident of Village and Post Bagther, Via Baseri, District Dholpur and presently working as Gramin Dak Sevak Mail Carrier, Bagther Branch Post Office via Baseri Sub Post Office, District Dholpur.

.....APPLICANT

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

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bawan, Sansad Marg, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Office, Dholpur Postal Division, Dholpur.

.....RESPONDENTS

(By Advocate : Mr. Gaurav Jain)

ORDER (ORAL)

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

- (i) That the respondents be directed to produce answer sheet of Paper I of the candidates those placed on panel with the answer sheet of the applicant in the interest of justice and thereafter respondents be further directed to re-valued the answer sheet of the applicant and if applicant found meritorious then his name be placed on select panel with all consequential benefits by quashing letter dated 25.09.2006 (Annexure A/1).
- (ii) That the respondent no. 3 be further directed to forward the name of the applicant to regional office for further action as per provisions of Annexure A/3, as applicant

qualified in the examination and entitled for selection in the region.

- (iii) 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.
- (iv) That the cost of this application may be awarded."

2. The grievance of the applicant in this case is regarding impugned order dated 25.09.2006 (Annexure A/1) whereby his representation was rejected in terms of Rule 14 (c) of Appendix 37 of the P&T Manual Vol. IV as such application was not submitted within six months from the date of declaration of result and the same was submitted after 8 1/2 months. It was mentioned in the said letter that there is also no provision in the rules for revaluation of answer sheet in terms of Para No. 15 of Appendix 37 of the P&T Manual Vol. IV. The grievance of the applicant is that his third request regarding giving him appointment in another region has not been considered by the respondents, as such representation of the applicant has not been considered in the right perspective despite the fact that this Tribunal has directed the applicant to file representation before the competent authority. Further grievance of the applicant is that the said representation has been decided by the lower authority whereas in the terms of the order passed by this Tribunal, the representation which was addressed to Chief Post Master General has to be decided by him.

3. Notice of this application was given to the respondents. The respondents have filed their reply. In the reply, the respondents have stated that pursuant to Postman's Examination held on 11.09.2005, the result of which was declared on 09.01.2006, the applicant has secured qualifying marks in the said examination. According to the

respondents the applicant has obtained 107 marks. There were two vacancies in OC category and both selected candidates of OC category have secured 117 and 113 marks respectively. As such the applicant was not selected. So far as the stand of the applicant that he should be absorbed in another region pursuant to having qualified the examination, the stand taken by the respondents in Para No. 11 of the reply is that a list of qualified candidates in examination of Postman was forwarded to respondent no. 2 in which the name of the applicant was serialized at sr. no. 1/9 in the list of OC candidates for further consideration in the circle subject to availability of any unfilled vacant post in any other division but the applicant cannot be absorbed any where in absence of such-unfilled vacancies.

4. Thus in view of the stand so taken by the respondents in the reply affidavit, the main grievance of the applicant that respondent no. 3 be directed to forward the name of the applicant to Regional Office for further action as he has qualified the selection cannot be accepted. The relief as sought vide prayer clause para 8(ii) stand already redressed in as much as the list of the qualified candidates in examination of Postman was forwarded to Respondent no. 2 in which the name of the applicant was also included but the applicant cannot be absorbed anywhere in the absence of such unfilled vacancy. Thus the grievance regarding third contention of the applicant that his name be forwarded to Regional Office for further action, has not been considered while passing the impugned order dated 25.09.2006 (Annexure A/1) is of no consequence in view of the stand taken by the respondents in the reply. As regards other relief, learned counsel for

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the applicant has not made any serious challenge and rightly so in view of the stand taken by the respondents in the reply.

4. In view of what has been stated above, we of the view that the applicant is not entitled to any relief. Accordingly, the OA is dismissed with no order as to costs.

(B.L. KHATRI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

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