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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

22.09.2009

OA No.159/2007

Mr. C.B.Sharma, counsel for applicant
Ms Kavita Bhati, proxy counsel for
Mr. Kunal Rawat, counsel for respondents

Let the matter be listed on 24.11.2009.


(B.L.KHATRI)
Admv. Member


(M.L.CHAUHAN)
JUDL MEMBER

R/

24.11.09

Mr. C.B.Sharma, Counsel for applicant
Mr. Rayg Ram Choudhary Proxy Counsel for
Mr. Kunal Rawat, Sr. Standing Counsel for
respondents

Heard Learned Counsel for the
parties.

For the reasons dictated separately
the DA is disposed of.


(B.L. Khatri)
M (A)


(M.L. Chauhan)
M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 24th day of November, 2009

ORIGINAL APPLICATION No.159/2007

CORAM:

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

Ved Prakash Sharma
s/o Shri Chiranj Lal Sharma,
r/o Village and Post Bhankari
via Dausa, District Dausa and
presently working as Gramin Dak Sevak,
Branch Post Master, Bhankri Branch Post Office
Via Dausa, District Dausa.

.. Applicant

(By Advocate: Shri 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 Bahwan, Sansad Marg,
New Delhi;
2. Chief Post Master General,
Rajasthan Circle,
Jaipur
3. Superintendent of Post Offices,
Jaipur (M) Division,
Jaipur

.. Respondents

(By Advocate: Shri Kunal Rawat, Sr. Standing Counsel)

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ORDER (ORAL)

The applicant has filed this OA thereby praying for quashing the Memo dated 9.4.2007 whereby six persons named therein were declared successful in the examination for promotion of Group-D and GDS to the cadre of Postman held on 11.3.2005 which result was declared category-wise. The grievance of the applicant is that respondent No.3 who was working as PS Group-B on the post of Superintendent of Post Offices (Mfl.) Division, Jaipur purely on adhoc basis was not competent to issue the advertisement for filling up the aforesaid posts and also to declare the result of the examination held pursuant to advertisement dated 23.2.2007 (Ann.A/4).

2. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have stated that six vacancies under departmental quota and two vacancies under outsider quota were announced in respect of Jaipur Mfl. Division vide Circle Office letter dated 9.2.2007. The applicant has submitted an application to appear in the said examination and he was permitted to appear and was allotted R.No. RJM/1360/2005. It is further stated that examination was conducted on 11.3.2007 under the supervision of SSPOs, Jaipur Division, Jaipur. The applicant has secured only 20 marks out of 50 marks in Paper-III whereas he was required to secure 45% marks as per Directorate letter dated 28.4.1988 (Ann.R/1). It is also stated that total marks obtained by the applicant in three papers were 98

whereas persons who have been declared pass vide impugned order Ann.A/1 have obtained more marks than the applicant i.e. between 106 to 132. The marks obtained by the persons who have been declared pass have been mentioned in para-1 of the reply. According to the respondents, since selection was to be made on marks basis and the fact that the applicant failed in one paper and has also obtained less marks than the persons who have been declared pass, the applicant has got no case and as such he could not have been placed in the select panel, more particularly, in ^{when failed} Paper-III. So far as the averment made by the applicant that respondent No.3 was not competent to declare the result and also to conduct the examination, it is stated that respondent No.3 was promoted and appointed on ad-hoc basis having full administrative and statutory powers vested in the head of the division. As such, the applicant has got no case whatsoever.

The respondents have also filed additional reply in which reliance has been placed on DG Posts, New Delhi letter dated 7.4.1989 which stipulates that examination will be conducted under the supervision of the divisional head who will also take all necessary action, like calling for application etc. for smooth conduct of the examination. Thus, the notification issued by respondent No.3 being the divisional head for calling application is in accordance with the rules and regulations.

3. The applicant has filed rejoinder thereby reiterating the submissions made in the OA.

4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. We are of the view that the applicant has not made out a case for grant of relief. Facts remain that the applicant has not qualified Paper-III and has also obtained less marks than the persons whose name find mention in Ann.A/1. Once the applicant has participated in the selection process, it is not permissible for him to contend that it was not permissible for respondent No.3 to advertise the post and also to declare the result in respect of vacancies pertaining to the year 2005 for promotion of Group-D and GDS to the cadre of Postman. It may be pertinent to mention here that the applicant has not raised such grievance before the appropriate authority at any point of time except in this OA. That apart, from the material placed on record, it is evident that vacancies were determined at circle level, which earmarked six vacancies under the departmental quota and two vacancies under outsider quota, so far as ^{Tejpur} Mfl. Division is concerned. This fact has also been mentioned by respondent No.3 while advertising the post vide Ann.A/4. Thus, the contention of the applicant that respondent No.3 has determined the vacancies is not factually correct. Further, the examination was also conducted in terms of the syllabus approved by the department and also the guidelines laid vide Directorate letter dated 28.4.1988 (Ann.R/1). Thus, we see no infirmity in the action of the respondents. Even if it is presumed that respondent No.3 was not competent to issue such advertisement/declare result, The fact remains that the respondent

No.3 acted only on the basis of the decision taken at Circle/Directorate Level, as such no relief can be granted to the applicant.

6. For the foregoing reasons, we are of the view that the present OA is bereft of merit, which is accordingly dismissed with no order as to costs.


(B.L.KHATRI)

Admv. Member


(M.L.CHAUHAN)

Judl. Member

R/