

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 24th September, 2008

ORIGINATION APPLICATION NO. 22/2007

CORAM:

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

Than Singh son of Shri Bajjnath by caste Jatav aged about 30 years.
Resident of Village Samona. Tehsil Rajakheda. District Dholpur
(Rajasthan).

.....APPLICANT

(By Advocate: None

VERSUS

1. Union of India through Post Master General for Rajasthan, Jaipur.
2. Superintendent, Head Post Office, Dholpur Division, Dholpur (Rajasthan).

.....RESPONDENTS

(By Advocate : Ms. Kavita Bhati Proxy counsel for Mr. Kunal Rawat)

ORDER (ORAL)

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

"(i) By an appropriate order and direction directed the respondents to give the appointment to the applicant on the post of Village Postal Service Branch Postman for Village Samona (Rajakhera) in pursuance of the advertisement dated 13.9.2006 (Annexure A/6).

- (ii) By an appropriate order and direction directed the respondents not to give effect the Advertisement dated 22.12.2006 Annexure A-1.
- (iii) Any other order, relief or direction which this Hon'ble Tribunal may deem fit and proper be passed in favour of the applicant.
- (iv) Cost of the Original application may kindly be awarded to the applicant."

2. When the matter was listed on 24.07.2008, the same was adjourned on the request of the learned counsel for the applicant with clear observations that no further adjournment will be granted. None has appeared on behalf of the applicant today, as such we have proceeded to decide the case on merit in terms of the provisions contained in Rule 15 of CAT (Procedure) Rules, 1987.

3. Briefly stated, facts of the case are that in response to an advertisement dated 13.09.2006 for the post of Postman at Village Samona (Rajakhera) from the SC category, the applicant applied for the same. According to the applicant, he was eligible for the said post and even the respondent no. 2 has assured that appointment letter will be issued to him in near future. The respondents have again advertised the said post vide impugned order dated 22.12.2006 (Annexure A/1) thereby inviting fresh applications from the General Caste candidates. It is on the basis of these facts, the applicant has filed this OA thereby praying for the aforesaid reliefs.

4. Notice of this application was given to the respondents. The respondents have filed reply. The fact that the post was again advertised has not been disputed. According to the respondents, pursuant to the earlier notification dated 13.09.2006, applications

were invited, last date of receipt of the application was 13.10.2006. It is further stated that simultaneously Employment Exchange was also addressed to supply list of suitable applicants. According to the respondents, no list was received from the Employment Exchange up to the last date. In response of local advertisement, only five applications were received. But out of five applications, two candidates were below 18 years of age and one candidate was OC category. Thereafter effective number of candidates remained two which is less than three. Thus in terms of the instructions contained in DG Posts letter No. 19-4/97-ED & Trg. Dated 19.08.1998 which find mentioned in Para 16-A of Section IV method recruitment of Service Rules for Postal ED Staff, no selection could have been made as effective number of candidates was less than three. Thus in terms of the aforesaid instructions, the vacancy was to be re-notified. Accordingly, the vacancy was again notified vide impugned order (Annexure A/1). It is stated that in response to subsequent notification dated 10.01.2007, seven applications were received up to the last date. It is further stated ^{that} on receipt of the verifications of the candidates, finally a comparative chart was prepared and one Shri Virendra Singh Jatav (SC) having marks 54.16% in Secondary examination was selected on the basis of highest marks among all candidates. The applicant was only having marks 45.45% marks which was less than the marks of the selected candidates; hence the applicant was not selected.

5. The applicant has not filed rejoinder despite repeated opportunities.

6. We have heard the learned counsel for the respondents. In view of the stand taken by the respondents in their reply affidavit, as

noticed above, we see no infirmity in the selection of Shri Virendra Singh Jatav. Further the contention of the applicant that pursuant to earlier advertisement, he was selected cannot be accepted. As such, the action of the respondents in re-advertising the vacancy is in accordance with the instructions issued by the Department. Accordingly, the OA is dismissed with no order as to costs.

B.L. Khatri
(B.L. KHATTRI)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

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