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04.05.2008

Reply filed

to the OA

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OA No. 431/2008

Mr. C.B. Sharma, Counsel for applicant.

Mr. Kumar Gaurav, Proxy counsel for

Mr. T.P. Sharma, Counsel for respondents.

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Bench on 15.07.2009.


(Gurmit Singh)
Deputy Registrar

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15.07.2009

OA No. 431/2008

Mr. C.B. Sharma, Counsel for applicant.

Mr. T.P. Sharma, 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 15th day of July, 2009

ORIGINAL APPLICATION NO. 431/2008

CORAM:

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

Laxmi Narayan Meena son of Shri Sita Ram Meena, aged about 45 years, resident of Gomati Colony, Karauli and presently working as Sub-Post Master, Phootakot Post Office, Karauli Raj (Rajasthan).

.....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 Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Sawai Madhopur Postal Division, Sawai Madhopur.

.....RESPONDENTS

(By Advocate: Mr. T.P. Sharma)

ORDER (ORAL)

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

- "(i) That entire record relating to the case may kindly be called for from the respondents and after perusing the same respondent no. 1 be directed to promote the applicant to the cadre of Inspector of Posts by extending benefit of instructions dated 13.04.2007 (Annexure A/3) to the ST category with all consequential benefits.
- (ii) That the respondents may be further directed to include name of R.C. Meena in the select list for OC category on the basis of marks obtained by him and last candidate of OC category and further applicant be allowed promotion to the cadre of Inspector of Posts in his own circle i.e. Rajasthan against vacancy of ST category with all consequential benefits.

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- (iii) That the respondents be further directed not to conduct departmental competitive examination for promotion to the cadre of Inspector of Posts without finalizing selection of examination of 2007 by quashing letter dated 28.05.2008 with the letters 17.07.2008 and 03.09.2008 (Annexure A/6, A/7 and A/8 respectively).
- (iv) Any other orders, 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 may be awarded."

2. Facts of the case are that the applicant appeared in the examination for the cadre of Inspector of Post pursuant to the examination conducted in the year 2007. The grievance of the applicant is that he has qualified the examination in relax standard in terms of Government of India, Department of Posts OM NO. A-334020/01/2007-DE, dated 13.04.2007, as such he should have been given appointment even if vacancy is not available in Rajasthan Circle and available in other circles.

3. Notice of this OA was given to the respondents. The respondents have filed reply. In the reply, the respondents have categorically stated that the applicant, who belongs to ST category, has not qualified the examination even by relax standard. It is further stated that minimum qualifying marks required for ST candidate was 33% in each paper whereas the applicant has obtained 19% marks in Paper I, 11% marks in Paper III and 14% marks in Paper IV.

4. Thus in view of the specific stand taken by the respondents, we are of the view that the applicant has not qualified the examination even in relax standard. As such, he is not entitled to the relief as claimed by him. Accordingly, the OA is bereft of merit and is dismissed with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ