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05.10.2010

OA.541/2009

Sh. P.N. Tatti Ld. counsel for applicant.

Sh. Vijay Singh proxy for Sh. S.S. Hasan, Ld.
counsel for respondents.

The OA is disposed of by a
separate order dictated in open court.

Anil Kumar
(Anil Kumar)
Member (A)

~~Umesh~~
(M.L. Chauhan)
Member (S)

**Central Administrative Tribunal
Jaipur Bench, JAIPUR**

OA No.541/2009

This the 5th day of October, 2010

**Hon'ble Shri M.L. Chauhan, Member (Judicial)
Hon'ble Shri Anil Kumar, Member (Administrative)**

Badri Prasad Muwal S/o Shri Balu Ram, aged about 32 years, r/o Dudha-khud, Dist-Sikar, presently working at Ladhang of via Palrang as E.D.B.P.M.

...Applicant

(By Advocate: Shri P.N. Jatti)

VERSUS -

1. Union of India through the Secretary to the Govt. of India, Department of posts, Dak Bhawan, Sansad Marg, New Delhi
2. Chief Post Master General, Rajasthan Circle, Jaipur-7
3. Post Master General, Western Region, Jodhpur
4. Superintendent of post offices, Sikar, Dn., Sikar,

.....Respondents

(By Advocate: Shri Vijay Singh proxy for Sh. S.S. Hasan)

ORDER (ORAL)

When the matter was listed on 3.12.2009, this Tribunal while issuing notices passed the following orders:-

The case of the applicant is that recruitment to the post of Postal Assistants/ Sorting Assistants by GDS against unfilled vacancy of Postal Assistant for the year 2006, 2007 and 2008 has been initiated by the respondents as can be seen from order (Annexure A/3). The grievance of the applicant as per this order is that a candidate should be between 18 and 28 years of age as on 15.10.2009 and in case the respondents have initiated the selection process at the relevant time when the vacancy of Postal Assistants were available, in that eventuality, the applicant was eligible for consideration as he has not crossed the maximum limit of 28 years of age.

Learned counsel for the applicant submits that in case the applicant is not permitted to appear in the written examination, he will suffer irreparable loss.

In view of what has been stated above, we are of the view that the applicant has made out a case for the grant of ex-parte interim relief. Accordingly, the respondents are directed to permit the applicant to appear in the Aptitude /Written test for the post of Postal Assistant /Sorting Assistant to be held on 06.12.2009 on provisional basis and finding shall be kept in sealed cover."

2. Pursuant to the aforesaid interim direction given by this Tribunal, the respondents have filed their reply stating therein that since the applicant has already crossed the upper age limit of 31 years prescribed for OBC category, he was not found eligible for appearing in the written examination for the post of Postal Assistant/Sorting Assistant held on 6.12.2009. The respondents have also indicated in their reply the eligibility conditions in respect of service and age as prescribed in the Recruitment Rules and clarificatory circular dated 7.4.2005.

3. Pursuant to the directions of this Tribunal, vide order dated 17.9.2010 the respondents have produced the recommendations of the Selection Committee, which was kept in the sealed cover, according to which the applicant has obtained total 55.65 points whereas the last cut off points in the OBC category is 64.34.

4. Since the applicant has fail to obtained requisite cut off points prescribed for OBC category, and can not be given appointment against the aforesaid post, as such, it is not necessary for us to go into the question of eligibility of the applicant to appear in the aforesaid examination.

5. In view of what has been stated above, the present OA does not survive now which is accordingly disposed of with no order as to costs.

6. The relevant record produced before this Tribunal is handover to the proxy counsel for respondents.

Anil Kumar

(Anil Kumar)
Member (Administrative)

M.L.Chauhan

(M.L.Chauhan)
Member (Judicial)

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