

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

14

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ORDER SHEET

ORDERS OF THE TRIBUNAL

01.06.2011

OA 312/2010

MA 190/2010

Mr.P.N.Jatti, counsel for applicant.

Mr.Mukesh Agarwal, counsel for respondents.

Learned counsel for the respondents seeks further time to produce the result of the applicant.

Put up on 11.7.2011.

*Anil Kumar*

(Anil Kumar)  
Member (A)

*K.S. Rathore*

(Justice K.S.Rathore)  
Member (J)

*mk*

*mk*

11-7-2011

Mr. P.N. Jatti, Counsel for applicant  
Mr. Mukesh Agarwal, Counsel for respondents.

Heard. The OA is disposed of by  
a separate order.

*Anil Kumar*  
(Anil Kumar)  
M (A)

*K.S. Rathore*  
(Justice K.S. Rathore)  
M (J)

*mk*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 11<sup>th</sup> day of July, 2011

**Original Application No.312/2010**

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)**  
**HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Anjani Kumar  
s/o Shri Madan Lal,  
r/o Village and Post Papdi-Sothana,  
Tehsil Viratnagar,  
Distt. Jaipur, presently  
working as Postman in  
16, Div-Postal Unit  
c/o 56 A.P.O.

.. 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
3. Superintendent of Post Office,  
Jaipur MFL Dn., Jaipur

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

Brief facts of the case are that the applicant was appointed as Gramin Dak Sevak Branch Post Master (GDSBPM), Sothana. He was on deputation to APS from 29.9.1993. While serving in the APS, the applicant applied to appear in the examination for promotion of Group-D and GDS to the cadre of Postman held on 11.3.2007 and in that examination he was declared successful against outsider quota vide memo dated 15.5.2007.

2. As per the Chief Postmaster General, Rajasthan Circle letter dated 30.9.2008, the respondents vide letter dated 6.10.2008 have invited applications from all the willing and eligible lower grade officials (Group-D, Postman/MOs/Sweeper Wireman etc.) to appear in the departmental examination to be conducted for promotion of lower grade officials to the cadre of PAs, scheduled to be held on 27.12.2008. The last date for submitting the application was fixed as 23.11.2008.

3. As per the Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules 2002 only those permanent officials, who have rendered not less than 3 years of regular service in the grade mentioned in Column 12 of the schedule appended with these rules were eligible to appear in the departmental competitive examination. The applicant was granted permission provisionally to appear in this examination subject to verification of his eligibility etc.



4. As per Directorate letter dated 13.6.2007 (Ann.A/3) it has been decided that 847 GDS, presently on deputation to APS, may be regularized from the date of entry in APS/from the date of GDS have been conferred technical promotion to Group-D but as per list of GDS official regularized as Group-D forwarded by the P&T administration cell, Army Postal Services Cadre, vide letter dated 6.3.2009 to Assistant Director (Recruitment), name of the applicant could not find place in the list of regularized GDS officials. As such, the applicant has neither been regularized in Group-D cadre nor completed three years of regular service in the Postman cadre as on 23.11.2008. In these circumstances, he was not eligible to appear in the said examination. Therefore, permission granted to the applicant to appear in the aforesaid examination held on 27.11.2008 was cancelled vide letter dated 6.5.2009.

5. Aggrieved and dis-satisfied with the cancellation order dated 6.5.2011, the present OA has been directed. The applicant referred to Clause-F of Ann.A/4 dated 19<sup>th</sup> October, 2007 wherein it has been stipulated that since service of these GDS officials are to be regularized from the date of their entry in APS/from the date the GDSs have been conferred technical promotion as Group-D they are eligible to take all the departmental examinations prescribed for Group-D official as per their eligibility. The applicant claims that since he was entered in the service of APS on 29.9.1997, as such, services of the applicant should be treated as Group-D w.e.f. 29.9.1997 in view of the said circular.

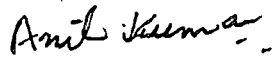


6. Upon asking, the learned counsel appearing for the applicant has not been able to show any order by which service of the applicant has been regularized as Group-D whereas the respondents have submitted the list of regularized persons wherein name of the applicant does not find place. As per the eligibility, first requisite requirement is that one should be regularized in Group-D. The regularized employee can only be eligible to appear in the departmental examination prescribed for Group-D and since regularization order has not been placed on record and the learned counsel appearing for the applicant has not been able to satisfy this Tribunal that the applicant has worked for a period of three years on regular basis as Group-D or Postman, therefore, the applicant is not eligible to appear in the promotional examination and upon reviewing the candidature in the light of instructions contained in letter dated 16.3.2009 and 5.5.2009, it was observed that neither the applicant was regularized as Group-D in APS nor completed three years of qualifying service as regular Group-D/Postman, therefore, permission granted to the applicant to appear in the examination for promotion of LGO to the cadre of PA held on 27.12.2008 was cancelled.

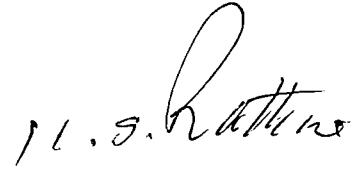
7. Upon having considered the submissions advanced on behalf of respective parties and upon careful perusal of material available on record as well as circulars and instructions and relevant rules, we find no illegality in the order impugned dated 6.5.2009 which requires no interference by this Tribunal.



8. Consequently, the OA being bereft of merit deserves to be dismissed and the same is hereby dismissed with no order as to costs.



(ANIL KUMAR)  
Admv. Member



(JUSTICE K.S.RATHORE)  
Judl. Member

R/