

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 14th day of December, 2010

ORIGINAL APPLICATION No.522/2010

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Trilok Chand,
EDA,
O/o Sr.Superintendent of Post Offices,
Alwar Division,
Alwar.

... Applicant

(By Advocate : Shri Anil Agarwal)

Versus

1. Union of India through
Secretary to the Govt. of India,
Post Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Senior Superintendent of Post Offices,
Alwar Division,
Alwar.
4. Shri Ram Kripal Lakhera,
Postman,
Through Sr.Supdt. of Post Offices,
Alwar Division,
Alwar.
5. Shri Mahaveer Prasad Sharma,
Postman,
Through Sr.Supdt. of Post Offices,
Alwar Division,
Alwar.

... Respondents

(By Advocate : - - -)

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ORDER

Heard learned counsel for the applicant. The applicant has filed this OA thereby praying for the following relief :

- i) Quash and set aside the order dated 23.8.2010 passed by the respondent No.2;
- ii) delete the condition imposed by the respondents in the advertisement whereby the cut off date has been mentioned for consideration of the age limit as 1.7.2010;
- iii) direct the respondents to promote the applicant on the post of Postman/Male Guard as per the recommendation dated 19.1.2010 of the screening committee in which the name of the applicant is at S.No.1 in the waiting list;
- iv) quash and set aside the complete examination process in pursuance of advertisement dated 14.7.2010 for the post of Postman/Male Guard and order of promotion of the respondent No.4 and 5 on the basis of the above mentioned examination.
- v) Any other appropriate order, direction or relief which this Hon'ble Tribunal deems just and proper, in the facts and circumstances of the case, may also be passed in favour of the humble applicant.
- vi) The cost of the application may kindly be awarded in favour of the humble applicant."

2. As can be seen from the prayer clause, grievance of the applicant is regarding advertisement dated 14.7.2010 (Ann.A/1), issued by the department, whereby cut-off date for consideration for appointment to the Group-D post by way of departmental examination, is mentioned as 1.7.2010. Admittedly, the applicant was over aged as on 1.7.2010 and as such he was not held eligible for appointment to the Group-D post. It may be stated that the condition stipulated in the advertisement is based on the recruitment rules for the post of Village Postman/Mail Guard, published on 5.8.1989, whereby the eligibility criteria for appointment to the Group-D post from the post of EDA has been mentioned including the age limit as on 1.7.2010. The applicant has not challenged validity of the provisions contained in the aforesaid statutory rules.

2. Thus, in the absence of any challenge to the recruitment rules for the post of Village Postman/Mail Guard, no relief can be granted to the applicant to the effect that cut-off date for consideration of the age limit as on 1.7.2010 be quashed and to be held invalid. Since the applicant is not eligible for consideration to the Group-D post as per advertisement dated 14.7.2010 (Ann.A/1), as such he has no locus-standi to challenge the selection made pursuant to the aforesaid advertisement. The view which we have taken is in conformity with the law laid down by the Apex Court in the case of **K.H.Siraj v. High Court of Kerala & Ors.** [2006 SCC (L&S) 1345], whereby, in para-68, the Hon'ble Supreme Court relying upon its earlier decision has held that every person who is eligible ^{for} the zone of consideration can challenge the selection.

3. Thus, for the foregoing reasons, we are of the view that the present OA cannot be entertained at this stage, which is accordingly dismissed at admission stage itself. No order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

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