

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 20.08. 2015

**ORIGINAL APPLICATION NO. 060/00962/2014 &
M.A. No. 060/00438/2015**

Chandigarh, this the 24th day of August, 2015

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

Sushma Rani, aged 50 years, wife of Shri Raman Kumar Sharma, working as Gram Dak Sewak (Stamp Vendor), Katra Karam Singh, Amritsar, now posted at Speed Post Centre, Amritsar.

...APPLICANT

BY ADVOCATE: SHRI R.K. SHARMA

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Communications and Information Technology, Department of Posts, New Delhi.
2. Director General (Posts), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. Chief Postmaster General, Punjab Circle, Sandesh Bhawan, Sector-17, Chandigarh-160017.
4. Superintendent of Post Offices, RMS 'I' Division Jalandhar.

...RESPONDENTS

BY ADVOCATE: SHRI RAM LAL GUPTA

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ORDER**HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-**

The applicant, a GDS in Amritsar Postal Division and an aspirant for a post of MTS in RMS 'I' Division Jalandhar, has, through the instant O.A., challenged the respondent no. 4's communication dated 05.09.2014 (Annexure A-1), which, addressed to 14 candidates, including the applicant, reads as under:

" Sub:- Regarding filling up vacancies of Multi Tasking Staff in RMS 'I' Division Jalandhar on the basis of latest recruitment rules on seniority basis of the year 2013.

In reference to your application forwarded through SSPOs Amritsar, you are hereby informed that unfilled vacancies of MTS cadre in RMS 'I' Division Jalandhar under 25% quota of GDS category could only be thrown open to Jalandhar Postal neighbouring Division under whose jurisdiction the Appointing Authority of RMS 'I' Division Jalandhar (SRM 'I' Division) is situated hence your candidature for the above said vacancies can not be considered."

2. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

3. The contention of the learned counsel for the applicant is that since Amritsar Postal Division and three other Postal Divisions fall under RMS 'I' Division Jalandhar and do not have their own RMS Divisions, she should not be deprived of the right to be considered

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for the post of MTS in RMS 'I' Division Jalandhar and candidatures should not be confined to Jalandhar Postal Division.

4. Per contra, the learned counsel for the respondents contends that the impugned communication (Annexure A-1) is as per the relevant instructions (Annexure R-1), which read as under:

"(7) Vacancies remaining unfilled to be offered to eligible candidates of neighbouring divisions.- In case where vacancies remain unfilled in departmental cadres from ED candidates, casual labour candidates, etc., of any division under the existing orders and, if such of these vacancies are to be thrown open to the candidates of Employment Exchanges, these vacancies may be first offered to the eligible candidates of neighbouring divisions before approaching the Employment Exchanges. For this purpose, in the case of unfilled vacancies in RMS, they may be thrown open to the postal divisions where the appointing unit of RMS sub-division is situated and vice versa. ... Before considering ED Agents of neighbouring division, it should be ensured that no eligible official is available in the recruitment divisions.

[D.G., P&T, Letter No. 47-5/80-SPB-I/Pt., dated the 4th April, 1980]

The term 'neighbouring division' mentioned in Para. (iii) of the P & T Directorate's Letter of even number, date 7-4-1980, means that if there are unfilled vacancies in RMS, they will be thrown open to the eligible candidates of that Postal Division under whose jurisdiction the concerned appointing authority of RMS is located. If there are unfilled vacancies in Postal Division, they will be thrown open to the eligible candidates of those sub-recruiting units in the RMS Division which are located in the jurisdiction of that Postal Division. ... The intention is not to throw open the unfilled vacancies to the EDAs of the rest of the Circle.

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[D.G., P&T, ND, Letter No. 47/5/80-SPB-I, dated the 28th January, 1981]"

5. We find that the impugned communication (Annexure A-1) is in conformity with the above instructions, which are not under challenge.

6. Therefore, the O.A. does not deserve to succeed and is, therefore, dismissed. The M.A. seeking interim relief also stands disposed of accordingly. No order as to costs.

(DR. BRAHM A. AGRAWAL)
MEMBER(J)

(RAJWANT SANDHU)
MEMBER(A)

Dated: 24 .08.2015
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