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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

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Pronounced on: 1.9.2015 -  
Reserved on : 26.08.2015

**OA. No. 060/00722/14**

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

Karambir son of Hardwari Lal, r/o Village Mudlana Tehsil Gohana,  
District Sonapat.

.....Applicant

BY ADVOCATE: None

VERSUS

1. Union of India through its Secretary, Ministry of Communication and IT, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Ambala Circle, Ambala.
3. The Superintendent, Post Office, Sonapat.

.....Respondents

BY ADVOCATE: Sh. Ram Lal Gupta

**ORDER**

**HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-**

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief(s):-

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- (i) That the OA be accepted and the notification dated 16.07.2014 (Annexure A-7) may be set aside and action of the respondents in denying appointment to applicant to the post of Postman and re-advertising the said post be declared illegal and thus the same may be set aside.
- (ii) That the respondents may kindly be directed to give appointment to applicant to the post of Postman as he is the successful candidate as per earlier notification dated 10.12.2012 (Annexure A-1).

2. Averment has been made in the OA that the applicant is working as Gramin Dak Sewak (GDS) in the respondent department since April, 1988. Letter dated 10.12.2012 was issued by the respondent No. 3 for holding the departmental competitive examination for filling the posts of Postman as per the revised recruitment rules. 50% of the total posts were to be filled by promotion on the basis of Limited Departmental Competitive Examination from amongst Multi Task Staff (MTS) and 50% by direct recruitment on the basis of competitive examination from amongst the GDS. The applicant appeared in the test which was conducted on 31.03.2013 result of which was declared on 02.04.2013. Since there was no information with regard to marks or the result of the candidates, the applicant moved an application dated 29.07.2013 under RTI Act and came to know that his name was at Sr. No. 4. When he contacted the three candidates above him in the merit list (Annexure A-4), he came to know that all of them have joined elsewhere and they were

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not interested in the appointment. The applicant approached the respondents several times seeking to be appointed as Postman and also got served a legal notice dated 30.09.2013 in this regard, but his claim was not accepted. Hence this OA.

3. In the written statement filed on behalf of the respondents, it has been stated that there was only one vacancy of Postman in Sonipat Division to be filled by Limited Departmental Competitive Examination by promotion amongst MTS during the year 2013 and there was no vacancy of Postman in Sonipat Division for the year 2013 to be filled by direct recruitment on the basis of competitive examination limited to Gramin Dak Sewaks of the recruiting Division. However, there is a provision in Department of Posts (Postman and Mail Guard) Recruitment Rules, 2010 to offer unfilled vacancies of MTS to the MTS of neighboring divisions and unfilled vacancies of GDS to the GDS of neighboring divisions. Therefore, as per this provision, applications were invited from GDS of Sonipat Division for the year 2013 vide notification dated 10.12.2012 (Annexure R-3). The examination was held on 31.03.2013 at Ambala. As no MTS candidate applied to appear in the examination and there was no vacancy of Postman in Sonipat Division to be filled by direct recruitment on the basis of competitive examination

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limited to Gramin Dak Sewaks of the recruiting division, no candidate was selected as Postman in Sonipat Division through this examination. The result of this examination held on 31.3.2013 was reviewed by the Circle Office, Ambala in view of the provision to offer unfilled vacancies of MTS to the MTS of neighboring Division and unfilled vacancies of GDS to the GDS of neighboring division. No vacancy in direct quota remain unfilled which could be offered to the GDSs of the neighboring Division. As such, no offer became due to the GDSs of the neighboring divisions. This was communicated to all the division vide Circle Office letter dated 12.04.2013 (Annexure R-4).

4. It is further stated that the vacancies are meant for different quotas and person from one quota cannot claim appointment against another quota. Besides, waitlisted candidates have no right to be appointed and it is for this reason also that the OA deserves to be dismissed. In the case of **Sanjoy Bhattacharjee Vs. UOI & Ors., 1997(4) SCC 283**, it has been held by the Apex Court that merely because a candidate has been put in the waiting-list, he does not get any vested right to an appointment. In **Shankarsan Dash Vs. UOI, 1991(3) SCC 47**, it has been held that even a candidate on the merit list does not have any indefeasible right to an appointment, even if a vacancy exists.

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A similar view has been taken in several other cases such as in **Asha Kaul and another Vs. State of Jammu & Kashmir and Ors., 1993(2) SCC 573** and **Food Corporation of India & Ors. Vs. Bhanu Lodh and Ors., 2005(3) SCC 618**. The law, therefore, is well settled to the effect that no one has indefeasible or vested right to an appointment, whether he is on the waiting list or on the merit list and there must be some reasonable basis for not filling up an existing vacancy or not offering an appointment to a meritorious candidate. If a reasonable or rational explanation exists, courts would not interfere with the action of authorities. In this case, a reasonable explanation as mentioned above has been given for not offering appointment to the applicant as vacancy did not fall to the share of GDS and as such the OA deserves to be dismissed.

5. In the rejoinder filed on behalf of the applicant, it has been stated that there is no bar that a GDS cannot be appointed to a post of MTS quota. Although there was only one post, but it was clear from the notification dated 10.12.2012 (Annexure A-1) that applications were invited from GDS as well as MTS candidates for the post of Postman.

6. When the matter came up for hearing arguments today, none was present to represent the applicant. Hence, Rule 15 of the CAT

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(Procedure) Rules, 1987 was invoked and we proceeded to decide the matter.

7. Sh. Ram Lal Gupta, learned counsel for the respondents reiterated the content of the written statement and stated that since there was only one vacancy of Postman and this was earmarked for the MTS quota and also there was no vacancy remaining in the neighboring divisions against the GDS quota, the applicant's claim for being appointed as Postman was without merit.

8. We have given our careful consideration to the matter. Pleadings of the parties and the material on record have been perused carefully. Through letter dated 10.12.2012 (Annexure A-1), holding of Limited Departmental Examination for filling up the posts of Postman as per the revised recruitment rules was notified. This letter mentions that in Sonipat Division, there was no vacancy of Postman to be filled from the GDS category on the basis of LDCE. It was also mentioned in this letter that **"The eligible MTS/GDS may apply even though there is no vacancy in the Division as their application may be considered for neighboring division/unit"**. The applicant appeared in the examination and as per this letter, he could only have been considered for neighboring divisions/units if there was an unfilled vacancy there. From the reply

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filed on behalf of the respondents, it is clear that while there was no vacancy for the GDS category in the Sonipat Division, no post of Postman to be filled from the GDS category through LDCE remained vacant in any of the neighboring divisions. The rule position being perfectly clear, we conclude that the applicant's claim for appointment as Postman on the basis of result of LDCE held on 31.03.2013 is without merit. The OA is dismissed. No costs.

  
(RAJWANT SANDHU)  
MEMBER(A)

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

Dated: 1.9.2015.  
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