

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00943/2016

DATED THIS THE 09th DAY OF AUGUST, 2017

HON'BLE JUSTICE SHRI HARUN UL RASHID, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

S.Mahanthesha
S/o.T.S.Shanthaveerappa
Aged 36 years
Working as Postal Assistant
Chitradurga HPO-577 501.
Residing at Palikehalli
Alagavadi PO
Chitradurga District-577 541.
.....Applicant

(By Advocate Shri A.R.Holla)

Vs.

1. Union of India
By Secretary
Department of Posts
Dak Bhavan
New Delhi - 110 001.
2. The Chief Postmaster General
Karnataka Circle
Bengaluru-560 001.
3. The Postmaster General
S.K.Region
Bengaluru-560 001.
4. The Superintendent of Post Offices
Chitradurga Division
Chitradurga-577 501.Respondents

(By Advocates Shri K.Gajendra Vasu)

O R D E R (ORAL)(PER HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (ADMN))

The applicant has filed the present OA seeking a direction on the respondent No.4 to permit him to appear for the Limited Departmental Competitive Examination to be held on 22/23.10.2016 for promotion to the cadre of Inspector of Posts as he was denied permission to appear in the examination

in view of disciplinary proceedings pending against him. This Tribunal vide an interim order dated 19.10.2016 directed the respondents to allow the applicant to appear in the examination with the stipulation that the result shall be placed in sealed cover until the completion of disciplinary proceedings initiated against him. Accordingly, the applicant was allowed by the respondents to appear in the examination.

2. When the matter was taken up for hearing, the Ld.Counsel for the respondents was asked to indicate the marks secured by the applicant which was kept in sealed cover. The respondents submit that the applicant has secured a total of 576 marks in the examination. Though the applicant belongs to ST category, all the posts were meant for un-reserved category only and hence he competed in the examination as general category candidate. The last selected person has secured 818 marks as compared to 576 marks secured by the applicant. Therefore, the applicant could not come in the merit list. The Ld.Counsel for the applicant accepted the fact and noted the marks obtained by the applicant and submit that in that case there is no ground to agitate the matter further.
3. As the matter stands, the applicant has not secured marks more than the last person in the merit/select list. Hence, we are of the view that there is no need for considering the issue of eligibility of the applicant to appear in the said examination any further. Therefore, we hold that the OA does not merit any further consideration and is liable to be dismissed.
4. Accordingly, the OA is dismissed. No order as to costs.

(P.K.PRADHAN)
MEMBER (A)

(JUSICE HARUN UL RASHID)
MEMBER (J)

/ps/

