

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

O.A. 050/00747/2014

**Reserved on- 22.02.2018.
Date of pronouncement 28.03.2018**

CORAM

**Hon'ble Shri A.K. Upadhyay, Member [A]
Hon'ble Shri J.V. Bhairavia, Member [J]**

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1. Md. Tahsib Alam S/o Manzur alam resident of village- Dhangauran, P.O.- Chirah Hat P.s. Mahalgaon, District-Arari (Bihar)

.....Applicants

By Advocate : Shri A.N. Jha

VERSUS

1. The Union of India through the Director General cum Secretary, Department of Posts, Govt. of India Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna-1
3. The Postmaster General, Northern Region, Muzaffarpur (Bihar)
4. The Director Postal Services, office of the P.M.G., Northern Region, Muzaffarpur (Bihar)
5. The Superintendent o Post offices, Purnea Division, Purnea-854301 (Bihar).

.....Respondents

By Advocate : Shri Bindhyachal Rai

O R D E R

Per Jayesh V. Bhairavia, Member (J): The applicant in this O.A has sought for the reliefs are as under :-

"[8.a] The notification dt. 28.08.2014 issued by the Supdt of P.Os Purnea the respondent no. 5 which is contained as Annxure A/1 may be cancelled/quashed and set aside.

[8.b]The respondents may be directed to Notify the post of GDSBPM Chirah BO in account with Head Post Office, Arari reserved for O.B.C. category as earlier.

[8.c] Any other order /direction that may be considered fit and proper in the circumstances of the case be passed/issued. as your Lordships may please deem fit and proper in the interest of justice.

[8.d] Cost of the proceedings may be awarded to the applicant."

2. The brief facts of the case as submitted by the applicant is as under :-

[i] Vide notification dated 28.08.2014, the respondents had issued advertisement for filling of the post of GDSBPM, Chirah branch

post office in account with Araria head post office under the Puraina Postal Division. The said vacancy has been kept reserved for SC category and the last date for submission of application was fixed on 26.09.2014 (Annexure A/1 refers).

- [ii] The applicant has contended that the said vacancy advertised, was fall vacant due to retirement of father of the applicant who belongs to OBC category and the said post was reserved for OBC however, the respondents had changed it to SC category. The applicant had submitted his representation dated 10.09.2014 with the signature of village people and requested to cancel the notification because there are 95 people of OBC category in Chirah and also submitted his representation to the Chief Postmaster General, Bihar Circle (Annexure A/2 & A/3 refer). It is contended by the applicant that the respondents have not considered the representation of applicant and therefore the applicant has filed the present O.A for the relief as prayed for.

3. In response to notice, the respondents have filed their written statement and denied the contention of the applicant. The learned counsel for respondents submitted that the post of GDSBPM, Chirah was fall vacant in June 2014. As per the roster, the vacancy is required to be filled up under SC category as per roster point in pursuance to reservation roster circulated by the Directorate, Postmaster General, North, Muzaffarpur dated 07.05.2008. According to it, 16% of SC category, 27% for OBC and 01% for ST category has been provided and as per the roster point, the vacancy is required to be filled up by SC category. Therefore, the vacancy cannot be notified for OBC category. The respondents have further placed reliance on the communication of Ministry of Communication and IT. Govt. of India dated 28.03.2008. (Annexure R/A series refers) as well as communication dated 05.07.2005. It is further submitted that the applicant has no vested right to claim any appointment. Not only that the applicant does not have any right to object to the notification issued by the respondents. Therefore, the applicant is not entitled for any relief.

4. Heard the parties and perused the records and considered their submissions. It is noticed that the respondent i.e the Department of Posts has issued advertisement for filling up the vacancy for the post of GDSBPM, Chirah Branch, the said vacancy has been reserved for SC category in accordance with the reservation policy adopted by the Govt. of India more particularly, the office memorandum dated 05.07.2005 as well as dated 28.03.2008. It is constitutional mandate to provide the reservation in public employment accordingly, the reservation policy had been adopted by the department of posts, as per the roster maintained by the respondents, the vacancy in question has been earmarked for the SC category. Therefore, the said action of the respondents cannot be said to be illegal. The submission of the applicant that 90% of the population belongs to OBC category therefore the vacancy is required to be reserved only for OBC cannot be tenable under the mandate of constitution as well as policy adopted by the Govt. of India including the Department of Posts. The applicant cannot claim any vested right for the appointment nor have any right to object against the action of respondents in performing their constitutional duty. The O.A is devoid of merit, accordingly the O.A is dismissed with no order as to costs.

(J.V. Bhairavia) M [J]

(A.K. Upadhyay] Member [A]

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