

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

Date of Order: 15.04.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

I. OA/050/00879/2015

1. Arvind Kumar, S/o Late Ramanand Singh, Village- Chainpur, PO- Silaunga, Via- Belaganj, District- Gaya.
2. Abhay Kumar, S/o Sri Akhileshwar Kumar, Village- Hasanpur, Via- Baidnabad, District- Arwal.
3. Nigam Kumar Alok, S/o Late Bishwanath Prasad, Mohalla-S.S. Colony, RPS Kali Mandir Road, Baily Road, District- Patna.
4. Alok Kumar, S/o Late Jagdish Prasad Singh, At & PO- Surungapur, Via- Nahalpur, District- Jehanabad.
5. Sanjeev Kumar, S/o Late Faudar Singh, At- Ramgarh, PO- Mali, Via- Karpi, District- Arwal.

.... **Applicants.**

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India, through the Secretary Cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (Hq), O/o Chief Postmaster General, Bihar Circle, Patna.
4. The Assistant Director (Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Sr. Superintendent of Post Offices, Gaya Division, Gaya.

.... **Respondents.**

By Advocate: - None

II. OA/050/00895/15

Jitendra Kumar Pal, S/o Sri Muneshwar Prasad, Village- Kenar Chatty, PO- Parma, PS- Nardiganj, District- Nawada.

.... **Applicant.**

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India, through the Secretary Cum DG, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (Hq), O/o Chief Postmaster General, Bihar Circle, Patna.
4. The Asstt. Director (Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Superintendent of Post Offices, Nawada Division, Nawada.

.... Respondents.

By Advocate: - Mr. H.R. Singh

ORDER
[ORAL]

Per Dinesh Sharma, A.M:- Since the issue involved in both the OAs is substantially identical, the same are being disposed of by the following common order.

2. The applicants are employees of Department of Posts. They appeared for the Limited Departmental Competitive Examination (LDCE) held in the month of November, 2014 for promotion to the post of Postal Assistant. The results were declared in July, 2015. Though both the applicants alleged to have qualified in the above mentioned LDCE they are being told that they cannot be appointed against the post of Postal Assistant for want of vacancies (in Gaya and Nawada Postal Divisions where the applicants of OA 879 of 2015 and OA 895 of 2015 are posted respectively). The applicants have claimed that they could be appointed against the unfilled vacancies of previous years as, the applicant in OA 895 of 2015 alleges, has been done in Tamil Nadu Circle. The applicants have also alleged that the vacancies should have been determined before the notification for conducting the LDCE was made. They have requested for

accommodating them against vacancies of earlier years or against unfilled vacancies of other Divisions also.

3. The respondents have denied the claim of the applicants. They have alleged that “ The vacancies of Bihar Circle including Gaya Division, Gaya were already announced on 30.06.2014 that is before the examination. The result of Gaya Division has to be declared against surplus vacancies of other divisions. After declaration of the result, no any vacancy left for surplus result under unreserved Quota. In absence of vacancies under surplus quota no any result can be declared. Also there is no provision of waiting list”. They have also alleged that it was known to the applicants that there was no vacancy either in Gaya or Nawada Postal Divisions. The backlog vacancies cannot be filled through LDCE and these are to be filled under direct recruitment quota system.

4. No rejoinders were filed.

5. We have gone through the pleadings and heard the arguments of the parties. It is clear that the notification dated 30.06.2014, along with which the vacancy position for the year 2014 was enclosed, showed number of vacancies in Gaya and Nawada as Zero (in all categories). Thus, the applicants cannot claim that they appeared in this examination without knowing this fact. The Department has categorically stated that there were no surplus vacancies in that particular year and as per rules, they cannot fill the backlog vacancies which have to be filled under direct recruitment quota. Therefore, we cannot direct the respondents to accommodate the applicants against backlog vacancies, on the basis of their performance in

an examination in which they appeared with full knowledge that there were no vacancies at places relevant to them. The prayer of the applicants, therefore, cannot be granted. The OAs are dismissed. No costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member