

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00894/2015

Date of Order: 25.04.2019

CORAM

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

Rajbir Kumar, S/o Late Krishna Prasad Rajak, Village & PO- Baidrabad, PS-Arwal, District- Arwal.

.... **Applicant**

- 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: - Mr. Bindhyachal Rai

ORDER
[ORAL]

Per Dinesh Sharma, A.M:- The case of the applicant is that he was permitted to appear in the LDCE for the LGO, i.e. PA cadre held in the month of November, 2014 and the result of the examination was declared in July, 2015. Though the applicant has qualified in this exam he is not being appointed to the post and has been verbally told that it is for want of vacancy that he could not be appointed. The applicant has requested for giving him appointment against the unfilled vacancies of 2013-14 which

could be carried forward for 2014 LDCE. He has also claimed that similar exercise has been done in the Tamilnadu Circle.

2. The respondents have denied the claim of the applicant. They have alleged that though the applicant qualified in both the papers of LDCE held in the year 2014 but he could not be appointed because of non-availability of approved vacancy in Gaya Division. They have also alleged that there is also no backlog vacancy in PA cadre for the year 2013 in this Division. The appointment of applicant as PA is purely based on the merit of the applicant obtained in the LDCE examination subject to availability of vacancy in the relevant category reserved for the year 2014. The applicant could not be appointed due to non-availability of vacancies.

3. We have gone through the pleadings and heard the arguments. It was brought to our notice that this Tribunal, in OA Nos. 050/00879/15 and OA/050/00895/15, has decided on 15.04.2019 in a similar matter where an identical prayer was made by the applicants therein (Persons appearing in the same LDCE). The applicants, when they appeared in the LDCE, were aware of the number of vacancies available and the fact of there being no vacancy in Gaya Division was also known to them. Since the rules of the Department do not permit carrying forward of backlog vacancies the prayer of the applicant cannot be granted. The OA is, therefore, dismissed.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member