



W.P.No.36237 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.No.36237 of 2023
and W.M.P.No.36231 of 2023**

P.Sarkkarai ... Petitioner

-Vs-

1.Union of India
Rep.by the Postmaster General
Western Region (TN), Coimbatore-641 002.

2.Superintendent of Post Offices
Pollachi Division, Pollachi-642 001. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the order dated 02.02.2023 passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.957/2015 and to quash the same.

For Petitioner : Mr.G.Purushothaman
for Mr.K.Kathiresan

For Respondents : Mr.V.Balasubramanian
Senior Panel Counsel - for R1



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J U D G M E N T

(Order of the Court was made by **K.KUMARESH BABU, J.**)

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The writ petition has been filed challenging the order passed by the Central Administrative Tribunal (CAT), rejecting the claim of the petitioner to promote him in the cadre of Postman.

2. Heard the learned counsel for the petitioner, who would submit that the petitioner was appointed as Gram Dak Sevak (GDS) and had put in five years of service as GDS. Originally a notification was issued by the respondents for filling up the vacancies in the Pollachi Division by a notification dated 05.02.2013, which was followed by a further notification dated 05.03.2013. He would further submit that, as per the said notification, out of the total 4 vacancies, the break up of vacancies was given as 2 for Unreserved (UR), 1 for Other Backward Classes (OBC) and 1 for Scheduled Caste (SC).

3. The petitioner also participated in the examination, however he was not selected. Thereafter, under the Right to Information Act, he had been informed that there has been no vacancy for SC as it has been modified by an announcement dated 22.04.2013. Therefore, he had approached the Central Administrative Tribunal seeking for appropriate relief. He would contend that the Tribunal, without taking into consideration the material facts had held that, the petitioner had not impleaded the necessary parties viz., the persons who have been appointed



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pursuant to the said notification and without challenging the same, the petitioner would not be entitled for the relief that has been prayed for.

4. Learned counsel for the petitioner would further submit that, the notification dated 22.04.2013 modifying the reservation had not been published for him to challenge the same, for which he cannot be held responsible and therefore he would seek the interference of this Court in the order passed by the CAT and seeks to grant him promotion to the post of Postman.

5. We have considered the submissions made by the learned counsel for the petitioner and have perused the materials placed on record.

6. Originally, a notification had come to be issued on 05.02.2013 calling for applications from eligible candidates working as MTS and GDS, followed by an announcement dated 05.03.2013 intimating the vacancy position in respect of both the categories. The petitioner falls under GDS category, for which totally 4 vacancies were announced and the break up of the vacancies was given as 2 for Unreserved (UR), 1 for Other Backward Classes (OBC) and 1 for Scheduled Caste (SC). However, by a subsequent notification dated 22.04.2013, the vacancy position had been modified and in respect of Pollachi Division, for GDS category, out of the total vacancies, 2 vacancies were earmarked for Unreserved (UR) and 2 vacancies were earmarked for OBC.



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7. The petitioner had not challenged the said subsequent notification dated 22.04.2013. Even assuming that he was not aware of the same, from the counter affidavit filed by the respondents as early as in the year 2014, the same has been espoused. Even after that, the petitioner has not chosen to challenge the subsequent notification and had proceeded to contest the original application filed by him as such. The Tribunal had not only rejected the claim of the petitioner on the basis that the necessary parties have not been added as parties, but had also examined the merits of the claim made by the petitioner and, having considered that there was no vacancy for the SC category, rejected the claim.

8. In such event, we do not find any reason to interfere with the order passed by the Tribunal and in fine, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

(R.S.K.,J.) (K.B.,J.)
05.01.2024

Index : Yes
Internet : Yes
Neutral Citation : Yes
KST



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To

- 1.The Postmaster General
Western Region (TN), Coimbatore-641 002.
- 2.Superintendent of Post Offices
Pollachi Division, Pollachi-642 001.



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and
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