

No.301(45)/2019/PA Admn.III/336 to 396  
Government of India,  
Ministry of Communications,  
Department of Posts, Postal Accounts Wing,  
Dak Bhavan, New Delhi.

Dated: 29<sup>th</sup> May, 2019.

/ Office Memorandum /

Sub: Representations/Grievances/complaints etc. received against the Gazette Notification/Examination Notification relating to RRs/LDCE-2018.

The case relates to recruitment to Assistant Accounts Officer cadre of IP&TAFS Group 'B', as per Gazette RR Notification dated 2.4.2018, Examination Notification dated 19.4.2018 and subsequent instructions/notification thereupon.

2. As per the background of the case, due to implementation of the recommendations of 6<sup>th</sup> CPC, JAO and AAO cadre was merged into a single cadre namely AAO Group 'B' (Gazetted) and amalgamation of Group 'B' cadre of Accounts and Finance of DoP and DoT consisting of AAO, AO and Sr. AO with the nomenclature 'IP&T AFS Group B' cadre with Member (Finance) Telecom Commission as Cadre Controlling Authority the new RRs of Assistant Accounts Officer (AAO) cadre were formulated, after obtaining the approval of the concerned authorities were notified vide gazette notification dated 02.04.2018, followed by issue of syllabus for the Limited Departmental Examination vide letter dated 4.4.2018. The examination notification dated 19.4.2018 was issued, in accordance with the new RRs-2018 of AAO, containing all the modalities for conduct the LDCE - 2018 w.e.f. 5<sup>th</sup> to 8<sup>th</sup> July 2018. While the conduct of examination process in progress, addendum, modifications, corrigendum as required were also issued from time to time to facilitate the examination process.

3. After the conducting of the ibid Examination from 5<sup>th</sup> to 8<sup>th</sup> July 2018, nearly 500 representations/grievances etc. have been received in the matter, throughout the period till date, on the various issues relating to RR notification, syllabus, Examination notification etc. of AAO cadre of IP&TAFS Group 'B'. The details of the representations/grievances etc. is placed in the file. It may also be highlighted here that most of the issues flagged in the representations etc. are already subjudice as many of the individuals, group of individuals, staff association have filed court cases, Pan India.

4. These representations can be categorized into two categories viz. a) individuals b) Staff Associations. The main area of concerns/suggestions/views can be summarized as follows:-

- 1 Ambiguity in recruitment rules and examination notification of LDCE-2018,

- 2 Filling up of un-filled vacancies of LDCE-2018 on account of non-joining of candidates appointed for the same,
- 3 Eligibility criteria in respect of individual appeared in the LDCE-2018,
- 4 Filling of vacancies reserved for SC/ST (Backlog vacancies of LDCE-2018) by giving grace marks,
- 5 Reservation of PH category in LDCE-2018,
- 6 Scoring maximum marks in some paper/papers by individual(s) in the LDCE-2018,
- 7 Supply of paper wise marks,
- 8 Providing of answer scripts of LDCE-2018,
- 9 Obtaining minimum cut-off marks by the individual(s) candidates appeared in the LDCE-2018 but name was not included in the final merit list of selected candidates,
- 10 Rounding off of marks obtained in the LDCE-2018,
- 11 Irregularities pointed out in conducting the LDCE-2018.

5. These representations/contentions/points brought out by individuals/staff association can be further sub-divided into two parts (i) challenging the RRs-2018 (ii) Challenging the examination notification vis-à-vis merit list OMs. All the representations etc. have been examined as per the RRs-2018, Examination Notification, GoI instructions/orders on the subject as under:-

- a) The new RRs notification dated 2.4.2018 was formulated, finalised after diligent deliberations and discussions, painstakingly following the extant guidelines issued from time to time after obtaining the approval of the nodal agencies, after perusal and disposal of the comments of the stakeholders and also after vetting by the legal authorities. This has been done after protracted correspondence and a long drawn struggle by the Department over a period of seven years. It is highlighted here that the concerns and aspirations of various sections and cadres have been kept in view by the Department and the Competent Authority while formulating, finalising and notifying the said RRs and all efforts have been made to give fair, just and equal opportunity to all the serving employees of the Department.

- b) The process of recruitment to the cadre of AAO was initiated by assessing the number of vacancies available in DoT/DoP to be filled up as per the ibid RRs wherein the mode of promotion to the AAO cadre is through Departmental Examination.
- c) The applications were invited from all the eligible employees of both the Departments viz. DoP and DoT as per the eligibility criteria clearly stipulated/defined in the RRs dated 2.4.2018 and Examination Notification dated 19.4.2018. As per the conditions prescribed in the Examination Notification dated 19.4.2018 the eligibility claims of an applicant are duly supported by self-undertaking/declaration countersigned and forwarded by the concerned divisional head/controlling officer.
- d) Further, it is categorically mentioned in the ibid notification that the candidature of the applicants is provisional subject to verification of eligibility conditions with reference to original documents and other records and only after that the applicant would be declared successful in merit list prepared as per number of vacancies subject to final verification before preparation of merit list/selection list.
- e) In a nut shell as per instructions contained in the Examination Notification dated 19.4.2018, if a candidate does not fulfill the eligibility criteria as prescribed for appearing in the examination his/her candidature is liable to be rejected at any stage. Further, no candidate would be declared successful in the merit list without validation of their eligibility condition with reference to original documents.
- f) The LDCE-2018 has been conducted in consonance with RRs-2018, Examination Notification of AAO as per the extant rules/instructions on the subject. The eligibility of all the candidates were scrutinized by respective SNOs/circle committee constituted for the purpose as per the RRs of AAO-2018. Furthermore, the merit list/allocation of AAO, LDCE-2018, which is provisional, is also in consonance with the instructions on the subject and **subject to the final outcome of various court cases challenging the RRs/Examination Notification 2018** mentioned in the respective OMs. The eligibility of all the candidates is also subject to final verification as per instructions contained in the allocation/promotion orders issued vide OM dated 1.10.2018.
- g) The display of result in respect of LDCE – 2018 is in accordance with the para 14 of Examination Notification dated 19.4.2018. The individual marks have already been made available to all candidates (barring specific court's order) through SMS.
- h) The marks obtained by any individual or individuals is/are the prerogative of the evaluator and the evaluatee/individual who appeared in the LDCE-2018.

- i) Non-providing the answer script it is intimated that the answer sheets of LDCE-2018 cannot be revealed as per Hon'ble Supreme Court judgement pronounced in the matter of UPSC vs Angesh Kumar, Feb 2018, in Civil Appeal No. (s). 6159-6162 of 2012.
- j) The vacancies notified against the general category mentioned in the Examination Notification dated 19.4.2018 have also notified in the OM dated 1.10.2018.
- k) The provision of relaxed standards, as per the extant rule, have already been notified/provided in the Examination notification dated 19.4.2018 for the reserved communities. There is no provision of review of result/provision of grace marks in respect of failed SC/ST candidates of LDCE-2018. The backlog vacancies as arisen in the LDCE-2018 due to non-availability of qualified candidates amongst the reserved category candidates who could not qualify/made to the merit list under the relaxed standard can be addressed in the subsequent examinations in accordance with the extant rules/DoP&T instructions on the subject i.e. by adding the backlog vacancies in subsequent examination. As such, since as on date the cadre strength is nearly 90% (i.e. around 1088). The decision for grant of grace marks to SC/ST against the unfilled vacancies of LDCE-2018 is not warranted.
- l) The reservation for physically handicapped employees in the LDCE-2018 for recruitment of AAO in DoP and DoT is not applicable being Departmental Examination. The decision has been taken by the competent authority on the basis of Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training (DoP&T), the Nodal Authority, vide OM NO. 36035/02/2017-Estt (Res) dated 15.01.2018. As per ibid OM, vide para 2.1, under para 2 Quantum of Reservation in case of **direct recruitment**, four percent of total number of vacancies to be filled up by the direct recruitment, in the cadre strength in each group of posts i.e. Groups A, B and C shall be reserved for persons with benchmark disabilities. Further, para 6.2 under para 6 Computation of Number of posts to be reserved states that Reservation for persons with benchmark disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Group "A" posts or Group "B" respectively, and the computation of total vacancies shall include vacancies arising in the identified and non-identified category of posts. As may be seen from the above orders of DoP&T the nodal authority on the matter that the ibid reservation percentage for disabilities are applicable to the candidates inducted through **direct recruitment** only. In the present case it is only a case of promotion through departmental examination and thus the ibid orders are not applicable. It may also be pertinent to mention here that some individual have already taken the legal recourse in the matter and all such cases are being defended by the Department before Court of Law.



- m) The LDCE-2018 has been conducted, including the process of setting up of question papers/evaluation thereof, in consonance with RRs-2018, Syllabus, Examination Notification of AAO as per the extant rules/instructions on the subject.
- n) Furthermore, the merit list/allocation of AAO, LDCE-2018, which is provisional, is also in consonance with the instructions on the subject. This is further subject to the final outcome of various court cases mentioned in the OMs dated 1.10.2018 and also various cases on the matter filed by the individuals subsequently. The eligibility of all the candidates is also subject to final verification as per instructions contained in the allocation/promotion orders issued vide OM dated 1.10.2018.

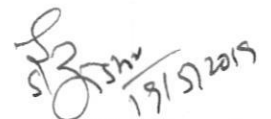
In view of the foregoing facts, circumstances and after considering all aspects in depth, as above, the competent authority viz. Member (F), Digital Communication Commission, all the representations/complaints/grievances received in this Department till date are disposed of.

  
19/5/2019

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Copy forwarded for information and necessary action to:-

1. All Heads of Postal/Telecom. Circle.
2. DDG (E&T) with a request to kindly upload the contents of this letter on web portal of DoT.
3. GM (CEPT), Mysore with a request to kindly upload the ibid OM on the DoP Website at prominent place for information of all concerned.
4. The General Secretary, P&TAFS Group 'B' Association, Sanchar Bhavan, New Delhi.
5. The General Secretary AIPAEA/BPAOEA, New Delhi
6. G.File.
7. Spare.

  
19/5/2019

Assistant Director General (PA-Admn.)