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Central Administrative Tribunal, Principal Bench

Original Application No.1199 of 2002

New Delhi, this the 28th day of January, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Shankar Prasad, Member (A)

Raj Kumar,
S/o late Shri Shyama Kant Prasad,
R/o House No.1027,
VPO Bhaktawar Pur,
Narela, Delhi-36

....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Director of Education,
Directorate of Education,
Old Secretariat,
Delhi

2. Secretary,
Delhi Subordinate Services Selection Board,
3rd Floor, UTCS Building,
Institutional Area,
Behind Karkardooma Court Complex,
Shahdara, Delhi-32

....Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

Applicant had earlier filed O.A.2777/99. He had asserted that by an advertisement which appeared in March, 1999, applications were invited for the posts of TGT (Social Science) and certain other posts. Applicant contended that he had submitted the application on 20.3.99 for the said post in the quota for blind. His case was that he had received the acknowledgement card but had not received any interview letter. When the said original application which was contested came up for consideration, this Tribunal recorded the inconsistent pleas that had been taken by the respondents. Thereupon this Tribunal had disposed of the original application referred to above with



the following directions:

- i) Whether applicant had applied for the post of TGT (Soc.Sc.) under blind quota or any other quota in response to the advertisement issued in March, 1999.
- ii) Whether that application was received within the prescribed time limit, and if so the action taken thereon.
- iii) On what basis was it assumed that applicant had applied against post code No.6/99, and applicant was advised to wait for the call letter.
- iv) Whether the post of TGT (Soc.Sc.) under blind quota was to be filled up on the basis of written exam. and interview, or interview alone, and if it was to be filled on the basis of interview alone, why applicant was not called for the interview.
- v) If applicant's non-consideration for selection against the post of TGT (Soc.Sc) in blind quota was because of negligence of Respondent No.2, applicant's case for consideration against such a post could be considered even at the stage in accordance with rules and instructions by the respondents.
- vi) In case negligence on the part of functionaries in organisation of Respondent No.2 is established, suitable departmental action against those at fault should be taken in accordance with rules/instructions.
- vii) The enquiry should be completed within 4 months from the date of receipt of a copy of this order and applicant be apprised of findings forthwith thereafter."

2. In pursuance of the said directions, the respondents had, on inquiry, recorded a finding with respect to point no.1 that no application had been received from the applicant for the post of TGT (Social Science) under the quota for blind or any other quota in response to


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the advertisement.

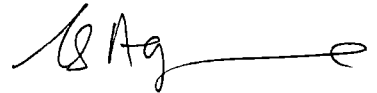
3. In normal circumstances, this Tribunal would not dwell into the controversy pertaining to facts. However in the present case, our attention has been drawn to the postal receipt dated 20.3.99 by virtue of which, the applicant contends that he had sent an application by registered post and had received the acknowledgement. The findings recorded do not indicate as to whether the respondents had come to a conclusion that no such letter had been posted.

4. We hardly need re-state the position in law in this regard. It is well settled that a correctly addressed letter, in normal circumstances, would be delivered to the addressee unless there are extenuating circumstances when normal course of events will not be followed. We are completely in dark as to whether any such enquiry had been held or not.

5. In this view of the matter, we allow the present application and direct that a fresh enquiry in terms of the earlier orders passed by this Tribunal dated 22.8.2001 should be held specifically indicating as to whether the said enquiry concludes about the genuineness of the said postal receipt or not. A speaking order in this regard should be passed. In case the answer to point no.1 is in the affirmative, the other points should also be answered.


(Shankar Prasad)
Member (A)

/dkm/


(V.S. Aggarwal)
Chairman