

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 040/00137/2019

Date of Decision: 30.04.2019

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Sri Mridul Das, Postal Assistant
Son of Sri Bhupendra Narayan Das
Vill & P.O.: Pipalibari, Via Chamata
Dist Nalbari, Assam Applicant

By Advocate Mr.D.N.Sharma

-Versus-

1. The Union of India
Represented by the Secretary Govt of India
Ministry of Communications
Department of Posts, India
2. The Secretary, Govt. Of India,
Ministry of Communications,
Department of Telecommunications, India
3. The General Manager,
O/O the General Manager (Finance),
Postal Accounts Wing , New Delhi-100054
4. The Chief Post Master General, Assam Circle,
Guwahati-781001, Assam

5. The Director of Accounts (Postal),
Assam Circle, Rehabari,
Guwahati-781008
6. The Controller of Communication Accounts,
Assam Circle, Guwahati-781001.
7. The Deputy Director General,
Postal Accounts (Wing)
Dak Bhawan, New Delhi.

.....Respondents

By Advocate: CGSC

ORDER (O R A L)

Hon'ble Mrs.Manjula Das, Member(J):

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act 1985, with the following reliefs:-

“ 8.1 That the Hon'ble Tribunal may be pleased to rectify the error made in the merit list and result sheet dated 01.10.2018 and declare the applicant qualified in the said LDCE, AAO examination for 2018-19 and promoted with effect from the date of joining of his junior in the promoted post.”

2. Mr. D.N.Sharma, learned counsel for the applicant submitted that the applicant being a Schedule caste

candidate, was appointed as Postal Assistant on 01.02.2010 in the Postal Department at Goalpara Division, Dhubri and transferred to Nalbari Barpeta Division, Nalbari. According to Mr.Sharma, the applicant has been placed at serial No.118 in the gradation List of Postal Assistant, Nalbari Barpeta division and one incumbent namely, Shri Gitu Barman, a postal assistant who was transferred from Silchar has joined in the Barpeta-Nalbari and placed in the Gradation list at Serial No.124. Since his junior has been allowed to appear in the examination, he was also permitted to appear in the said examination. As per the notification of the Limited Departmental Competitive Examination (LDCE) for recruitment of Assistant Accounts Officer (AAO) cadre of IP & TAFS Group-‘B’ for the year 2018-19, the applicant applied for the above examination and Admit Card was issued to him. Accordingly, he appeared in the said examination held on 05.07.2018 to 08.07.2018. Results are declared on 01.10.2018 with 949 successful candidates out of 1208 vacancies. The applicant

obtained total 361.5 marks. As per merit list, his name should have been declared at Sl.847/949 in the select list and be promoted to AAO cadre.

3. Learned counsel for the applicant pointed out that it is a settled position of law that when a process of declaration of result of an examination, it is mandatorily required that the authorities first rectify the erroneous position of the candidates who were not eligible to appear in the said examination and thereafter prepare a fresh merit list on the basis of the correct mark sheet.

4. Learned counsel for the applicant further submitted that the respondents regarding the omission of his name in the result sheet despite the fact that he qualified in all the papers as per marks obtained. The source of marks sheet intimated to his mobile phone as per Roll No.1113443 cannot be denied by any means and as such the respondent authorities ought to have done the

correction in the result sheet dated 01.10.2018 already declared.

5. Learned counsel for the applicant further submitted that the applicant made representation on 28.08.2018 before the respondent No.5, i.e Director of Accounts (Postal), Meghdoot Bhawan, Guwahati, who is the state Nodal Officer for the said LDCE AAO' 2018-19 for necessary action. But finding no reply, the applicant filed an O.A.No.040/405/2018 before this Tribunal. The Hon'ble Tribunal, Guwahati was directed the respondents on 12.12.2018 to dispose of the representation dated 28.08.2018 within 3 months. But the said authority replied vide letter No.Admn/4-453/2019/D-56 dated 08.04.2019 that they have not received any representation dated 28.08.2018 despite the fact that the representation sent through Superintendent of Post Offices, Nalbari was forwarded to his office, Guwahati vide letter dated 31.08.2018 under Regd Post No.RSS 12062788IN received in his office on 04.09.2018, as per article tracking report.

6. Having gone carefully through the documents, it is felt that justice will be met if a direction be issued by granting liberty to the applicant to file a representation by ventilating his grievances. As such, without going into the merits of the case and without issuing notice to the respondents as well as in the ends of justice, we direct the applicant to make a representation again before the appropriate authority (Respondent No.7), the Deputy Director General, Postal Accounts (wing), Dak Bhawan, New Delhi within a period of 15 days from the date of receipt copy of this order. On receipt of such representation, the respondent authority particularly Respondent No.7 shall consider and dispose of the same within a period of 3 months thereafter and pass a reasoned and speaking order.

7. It is made clear that the decision so arrived by the respondent authorities, shall be communicated to the applicant forthwith.

8. Accordingly, O.A. is disposed of at the admission stage itself. No order as to costs.

(N.NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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