



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1526 of 2020

This the 14th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Sunny Kathuria S/o Sri Satpal Kathuria
Aged about 31 years
Sorting Assistant
Department of Posts
RMS D Division
Haryana Circle
New Delhi-110021

...petitioner

(By Advocate: Shri Ronak Karanpuria)

VERSUS

1. Union of India Rep. by the
Secretary to Government
Ministry of Communication
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi-110001
2. The Director General
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi-110001
3. Chief Post Master General
Department of Posts
RMS D DIVISION
Haryana Circle
Ambala-133001

...Respondents

(By Advocate: Shri Ashish Rai)

ORDER (Oral)



Hon'ble Mr. R.N. Singh, Member (J):

The applicant herein works as a Sorting Assistant in Deptt of Posts. He was a candidate for LDCE Examination for the post of Inspector Posts which was held for the years 2016-17, 2017-18 and 2018-19. The present Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 to challenge the order dated 24.6.2020 (Annexure A) whereby he was informed that the ORM sheet was rejected. The applicant in the present OA is praying for the following reliefs:-

- “i. Declare the action of the 2nd Respondent in including the name of the Applicants in Annexure V of the proceedings in F. No. A-34013/01/2020-DE dated 24.06.2020 and thereby not evaluating Paper 1 of the Applicant as being arbitrary, illegal, without application of mind and violative of Article 14 and 21 of the Constitution of India;
- ii. Consequently, direct the Respondents to manually evaluate paper I of the Applicant for promotion to the cadre of Inspectors of Posts and promote him if he is otherwise suitable on and from the date on which persons declared to have cleared the examination in the proceedings dated 24.06.2020 are promoted together with all consequential (monetary and seniority) benefits that flow from out of such a direction and



iii. Pass such other and further order or orders as are deemed fit and proper by this Hon'ble Tribunal under the circumstances of the case."

2. Learned counsel for the applicant submits that aggrieved by the aforesaid impugned order, the applicant has preferred a representation dated 27.6.2020 (Annexure A/7) and the same is still pending consideration of the respondents, particularly respondent no.2.

3. Issue notice.

4. Shri Rai, learned counsel for the respondents, who appears on advance service, accepts notice.

5. At this stage, learned counsel for the applicant submits that the issue involved in the present OA has already been adjudicated by the Jodhpur Bench of this Tribunal, however, the same has not been mentioned by the applicant in his aforesaid representation dated 27.6.2020.

6. In view of the aforesaid, learned counsel for the applicant at this stage prays that the applicant shall be satisfied if the present OA is disposed of with liberty to the applicant to make a comprehensive representation



to respondent no.2 within two weeks from today and if such comprehensive representation is preferred by the applicant, the respondents may be directed to consider the aforesaid representation dated 27.6.2020 as well as the additional comprehensive representation to be submitted now, by passing a reasoned and speaking order in a time bound manner.

7. We have considered the submissions made by learned counsel appearing for the parties. We are of the considered view that if such a request of learned counsel for applicant is accepted, no prejudice is likely to be caused to the respondents.

8. In view of the aforesaid, without going into the merit of the claim of the applicant, we dispose of the present OA with liberty to the applicant to make a comprehensive representation qua his grievance in the OA to respondent no.2 within two weeks from today and if such representation is received by the respondent no.2, the respondent no.2 are directed to consider the applicant's aforesaid representation dated 27.6.2020 (Annexure A/7) as well as additional comprehensive representation to be preferred by the applicant within a



time granted to him for this purpose, and to dispose of the same by passing an appropriate reasoned and speaking order as expeditiously as possible and in any case within eight weeks of receipt of additional comprehensive representation from the applicant, under advice to the applicant.

9. The OA is disposed of in above terms. No costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

/ravi/sarita/pinky/akshaya15oct/