

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

CCP 168/90 in  
O.A. No. 1639/89  
T.A. No.

199

DATE OF DECISION 7.6.1991Shri Sri Kishan

Petitioner

Shri Sant Lal

Advocate for the Petitioner(s)

Versus

Sr. Superintendent of Post

Respondent

Offices, South Eastern Division, New Delhi and AnotherShri M.L. Verma

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,  
Vice Chairman(J))

The petitioner is the original applicant in OA 1639/89 which was disposed of by judgment of the Tribunal dated 30.3.1990. The grievance of the petitioner was that though he had rendered more than 4 years continuous service as a Extra Departmental employee, he was not allowed to sit in the departmental examination/test for recruitment to the post of Postman held on 16.7.1989 and to Group 'D' cadre on 23.7.1989 respectively. After going through the records of the case and hearing the learned counsel of both parties, the Tribunal

directed the respondents to hold a supplementary test for recruitment to the cadre of Postman and Group 'D' cadre from Extra Departmental Agents and give opportunity to the petitioner to take the tests and in case he qualifies at the test, he should be considered for regular absorption in Group 'D' cadre according to his seniority.

2. The respondents have stated in their reply that they have complied with the directions of the Tribunal by giving the petitioner a chance to appear at the Literacy Test held on 22.4.1990, but he could not be declared successful in the said test. Therefore, it was submitted that there has been no wilful non-compliance with the directions given by the Tribunal.

3. We have gone through the records carefully and have heard the learned counsel of both parties. The learned counsel of the petitioner stated that the holding of a regular test in 1990 is not what the respondents were directed to do by the Tribunal. The holding of a supplementary departmental examination/test for recruitment of Postman as in July, 1989 was the purport of the order of the Tribunal. The learned counsel of the petitioner also argued that the petitioner has not been allowed to appear in the examination for Postman.

4. The learned counsel of the respondents stated that

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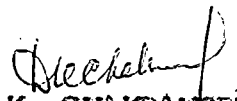
the supplementary test and the departmental test held on 22.4.1990 are one and the same and that having given the petitioner a chance to appear in the test, the respondents have complied with the directions of the Tribunal.

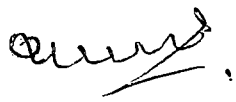
5. Having considered the rival contentions, we are of the view that the respondents have not fully complied with the directions given by the Tribunal in letter and spirit. The Tribunal had clearly directed the respondents to hold supplementary Literacy Test as on July 1989. The regular Literacy Test held on 22.4.1990 cannot be treated as a supplementary test. In view of this, the respondents are again directed to hold a supplementary Literacy Test for recruitment to the cadre of Postman and Group 'D' cadre as on July, 1989 and give an opportunity to the petitioner to take the test. In case he qualifies at the tests, he should be considered for appointment as Postman/Group 'D' employee<sup>a</sup>. The respondents are directed to do so as expeditiously as possible, but in no event later than three months from the date of receipt of this order.

6. The CCP is disposed of on the above lines and the

notice of contempt is discharged.

There will be no order as to costs.

  
(D.K. CHAKRAVORTY)  
MEMBER (A)

  
(P.K. KARTHA)  
VICE CHAIRMAN (J)