

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 06th day of September, 1996
Civil Misc. Review Application No.87 of 1996

On behalf of

Subodh Kumar Tewari Respondent No.5
(Applicant)

IN

ORIGINAL APPLICATION NO.164 OF 1993

DISTRICT : KANPUR

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M. & Hon'ble Mr. T. L. Verma, J.M.

Rajesh Kumar Tripathi

Son of Sri Uma Nath Tripathi

R/o House No.106,

Gopal Nagar, Naubasta, Kanpur. Applicant
(By Sri Rakesh Tiwari & Sri NP Singh)
Versus

1. Union of India through the Secretary
Govt. of India, Deptt of Post, Ministry
of Communication, New Delhi.
2. Post Master General U.P., Kanpur
C.P.O. Branch, Kanpur
3. Senior Supdt. of Post Offices,
Kanpur City, Kanpur.
4. Sub Divisional Inspector (Postal)
East Sub Division, Kanpur.
5. Sri Subodh Kumar Tiwari
Son of Sri Prem Narain Tewari R/o Goverdhanpurwaz
Nauasta Hamirpur Road, Kanpur presently
posted as E.D.P. Packer, Naubasta,
Hamirpur Road, Kanpur.

. Respondents

WL

O R D E R

By Hon'ble Mr.S. Das Gupta, A.M.

This Application has been filed seeking review of the judgement and order dated 22-5-1996 by which we had disposed of OA No.164/93 holding that the appointment of respondent no.5 was wholly irregular and directed the respondents to hold a fresh selection to the post of E.D.P. in Naubasta post office from amongst the candidates who were sponsored by the Employment Exchange in the first list received prior to the expiry of the ~~list to~~ ^{date of} receipt of names from the Employment Exchange. We stipulated that this selection shall be ~~made~~ strictly in accordance with the instructions contained in Chapter III of the EDA (Conduct and Service) Rules. The present review application has been filed by the said respondent no.5.

2. ~~The~~ One of the grounds on which the review has been sought is that the respondent no.5 had no notice and, therefore, could not file any CA. We have carefully gone through the order sheet in the OA. It is clear that two counsel had filed power on behalf of respondent no.5 in 1993 and thereafter no CA was filed by them. This ground, therefore, is not tenable.

3. The other ground taken is that at the relevant time when the selection was made of the respondent no.5, the relevant rules contained in the EDA (Conduct and Service) Rules, did not specify any minimum qualification for the post of ED Packer and, therefore, the marks obtained in 8th Class would not have been the determining factor for the selection of the candidates. This fact, if correct, could have been brought out by the respondent no.5 by filing a CA. We do not see any reason to recall the order already passed based on this fact, which has been brought out now.

RP

4. The respondent no.5 viz. the applicant in the review application has shown us a notification by which the minimum qualification of 8th Class pass for the post of ED Packer has been enforced only w.e.f. April, 1993. While we see no reason to recall, the judgement and order dated 22-5-1996, we only clarify that a fresh selection shall be carried out on the basis of the Recruitment Rules as extant on the date when the selection was initially held. We also provide that nothing in these orders shall preclude the respondents from engaging the respondent no.5 on the post of ED Packer Naubasta on provisional basis pending selection on regular basis for appointment on this post in terms of the direction already given.

5. The review application is disposed of accordingly.

H. M. Mehta
Member (J)

W. C.
Member (A)

Dube/