

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH
ALIAHABAD.

Allahabad this the 13 day of September 1996.

Original application No. 949 of 1996.

Hon'ble Mr. T.L. Verma, JM
Hon'ble Mr. D.S. Baweja, AM

Jai Narayan, S/o Sri Ghana Ram,
a/a 27 years, R/o F-204 Sector-9,
New Vijainagar, Ghaziabad.

..... Applicant.

C/A Sri R.K. Tiwari

Versus

1. Union of India though its Secretary, M/o Communications, New Delhi.
2. Sub Record Officer, H.M.S. Office, Ghaziabad.
3. Superintendent RMS "SH" Dn. Saharanpur.
4. P.M.S. Dehradun.

..... Respondents.

OR D E R (ORAL)

Hon'ble Mr. T.L. Verma, JM

Heard Sh. R.K. Tiwari. Through this application the applicant seeks a direction to the respondents to locate the application submitted by the applicant and suitably deal with the same, and if found fit he may be given appointment as E.D. Porter.

2. Applications were invited for appointment to the post of E.D. Porter, R.M.S., Ghaziabad. The applicant claims to have ~~been~~ sent his application for appointment

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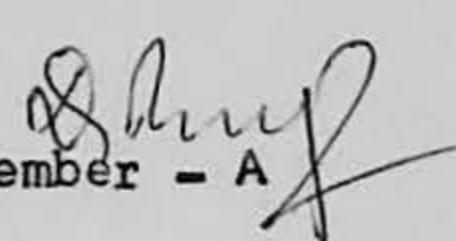
on the said post under speed post on 19.8.96. Last date for receipt of the application was 21.8.96. From the averment made in the O.A. and accompanying affidavit, it appears that the applicant approached the respondents to ascertain as to why he has not been called for appearing at the examination, though he fulfils the requisite qualification prescribed for appointment in the said post. He is stated to have been told that his application has not been received. Further case of the applicant is that he also contacted Head Post Office Gaziabad to ascertain whether the Speed Post letter mailed by him on 19.8.96 was delivered to the addressee or not. He is stated to have been informed that the letter was delivered on 21.8.96. S.O.R. Gaziabad, however, it is stated denied the receipt of the application.

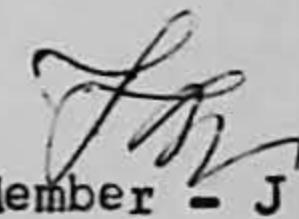
3. The applicant could have obtained certificate from the Head Office in proof of his application having been received in the office of the S.R.O. Gaziabad in support of his contention that the Speed Post containing his application was received by addressee on 21.8.96, the last date prescribed for the receipt of the applications. Although a bald allegation of malice on part of the respondent No. 2 has been made in doing away the application of the applicant, there is neither any material or circumstance on the record to lead to such an inference. On the basis of this vague and general allegation that the respondents have maliciously done away with the application of the applicant, it cannot be presumed that the application stated to have been sent by the applicant for appointment on the said

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post ~~cannot be deemed to have~~ ^{not} been received in time. The respondents, ^{therefore} ~~however~~ cannot be said to be under any obligation to call the applicant for appearing at the examination for appointment on the post of E.D. Porter whose application according to them has not been received.

4. In the circumstances mentioned above, we find that the applicant has failed to make out any case warranting interference of this Tribunal in the matter. This application is therefore dismissed in limine.


Member - A


Member - J

Arvind.