

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 1st day of MAY 2007.

Original Application No. 812 of 2004.

Hon'ble Dr. K.B.S. Rajan, Member J
Hon'ble Mr. K.S. Menon, Member A

Anand Kumar, S/o late Sadhu Singh,
R/o Village and Post Office Punwarka,
Distt: Saharanpur, at present posted as Post Man,
Head Post Office, Saharanpur.

. Applicant

By Adv: Sri R. Verma

V E R S U S

1. Union of India, through Secretary, Ministry of Communication, Department of Post, New Delhi.
2. Chief Post Master General, UP Circle, Lucknow.
3. Senior Superintendent of Post Offices, Saharanpur Division, Saharanpur.

. Respondents

By Adv: Sri S. Singh

O R D E R

By Dr. K.B.S. Rajan, JM

Briefly the facts of the case are that the applicant was appointed as Postman in 1992 and a departmental examination took place in May 2002, wherein the applicant had appeared. However, his result was not declared and the applicant desired to know about the reason. As the applicant got negative information he preferred this OA. The prayer contained in this OA are as under:

"i. to issue a writ, order or direction in the nature of certiorari to quash the impugned

notice/order dated 7.7.04 passed by respondent no. 2.

- ii. to issue a writ, order or direction in the nature of mandamus commanding the respondents not to initiate any disciplinary proceedings in pursuance of the letter dated 7.7.04 issued by the respondent.
- iii. to issue a writ, order or direction in the nature of mandamus commanding the respondents to summon the entire document/copies of examination of L.G.O. held on 12.05.02.
- iv. to issue a writ, order or direction in the nature of mandamus commanding the respondents after examining the document direct to respondents to declare the result of the petitioner forthwith.
- v. to issue any other suitable writ, order or direction which this Court may deem fit and proper in the circumstances of the case.
- vi. to award the cost of this application in favour of the applicant."

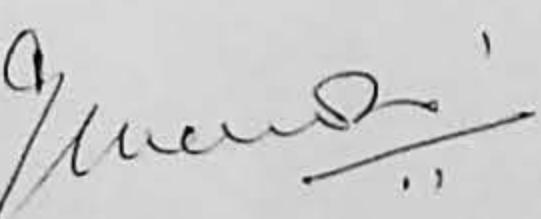
2. The respondents have contended in their counter affidavit that due to suspected Malpractice the result of the applicant alongwith some other candidates had been withheld.

3. The applicant has filed his rejoinder affidavit contending that the applicant threatened by the departmental authorities as he has earlier moved the contempt petition. The department in their additional counter affidavit also mentioned that the result of the applicant has been withheld due to Malpractice. They have not come out exactly as to what malpractice was. In order to ascertain the exact malpractice answer sheets were called for (the applicant's roll No. is 184). A perusal of the answer sheet reflects that the handwriting through out the answer sheet is uniform and the natural way of writing the answers with cutting and scoring are found. However, the last

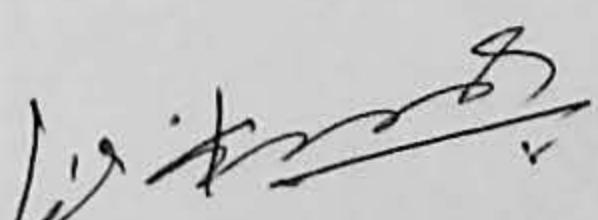
two pages of the answer sheets show some amount of doubt as the handwriting of the prior pages and the last two pages varies. However, the department has not come out exactly with these reason for withholding the result.

4. We have given our anxious consideration to the case. The respondents were expected to properly indicate the nature of malpractice, which has not admittedly been done in this case. It will, therefore, be appropriate to the department to go through the answer sheet once again and if, they are satisfied that there is any malpractice further action be made by the respondents by a detailed order informing the applicant as to the extent of malpractice that has been adequate by the applicant. The applicant is at the liberty to approach the Tribunal in case he is still aggrieved by the department. This drill may be completed within a period of three months from the date of communication of this order. In case no malafide is observed due action for declaring the result be taken.

5. With the above direction the OA is disposed of.
No cost.



Member (A)



Member (J)