

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/146/2016

Order reserved on 24.09.2021

DATE OF ORDER: 05.10.2021

CORAM

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

Somoti Meena D/o Shri Ramji Lal Meena aged about 28 years (D.O.B. 10/05/1988) by Caste Meena (S.T.), resident of Village and Post Bhesina, Tehsil Bhusawar, District Bharatpur (Raj.).

....Applicant

Shri S.K. Bhargava with Shri Salim Khan, counsel for applicant.

VERSUS

1. Union of India through the Superintendent Post Office, Alwar Division, Sector No. 7 Alwar (Raj.)

.... Respondent

Shri V.D. Sharma, counsel for respondent.

ORDER

Per: Hina P. Shah, Judicial Member

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

"A. That the respondents may kindly be directed to accept the application form of the

applicant for the post of Rural Postal Employee and further they may be directed to allow the applicant to participate in the selection procedure and if she falls in the merit then the respondents may be directed to give appointment to the applicant in the interest of justice.

- B. That the respondents may kindly be directed to relax the condition of submitting application form through the speed post / registered post and application form of the applicant submitted through the ordinary post may be ordered to be accepted for the post of Rural Postal employee.
- c. Any other relief as this Hon'ble Tribunal deems fit and proper be also granted in favour of the applicant.
- D. And cost be awarded in favour of the applicant."

2. The brief facts of the case, as stated by the applicant, are that the respondents had issued an advertisement No. Alwar/advertisement/01/2015 dated 18.12.2015 for the post of Rural Postal Employee. The last date for submitting application form was 18.01.2016. The qualification required for the said post was minimum 10th pass and was required a computer course of minimum 60 days. The applicant was having the requisite educational qualification and was also possessing the copy of RSCIT certificate. It was clear that the selection was totally based on the marks of the qualifying examination and there was no written examination or

interview. The applicant belongs to 'Meena' community which comes under the ST category and accordingly' the applicant had applied under the said category. The applicant sent her application form along along with the requisite education qualification documents through ordinary post on 10.01.2016, which was much prior to the last date of submission of the application form i.e. 18.01.2016. The respondents sent the said envelope as 'returned' on 01.02.2016 after making a cross sign (x) on the envelope. On enquiry, it was informed that the application form of the applicant was not considered since it was sent by ordinary post instead of registered post / speed post. The applicant still requested the respondents to accept her application form on 17.01.2016 but the respondents did not consider her said request and rejected the same. Thus, being aggrieved by the action of the respondents in not accepting her application form, the applicant has preferred the present Original Application.

3. (a). The respondents vide their reply dated 15.07.2016 raising a preliminary objection stated that the present Original Application suffers from non-joinder / misjoinder of parties. The applicant has

included UOI through Senior Superintendent of Post Offices, Alwar Division Alwar, who is not authorities to represent the UOI. The Secretary, Department of Posts is only authorized to represent the UOI but the applicant has failed to do so and, therefore, on non-joinder / misjoinder of necessary party, the present O.A. deserves to be dismissed.

(b). On merits, respondents state that it was clearly mentioned in the notification / advertisement that the applicants / candidates have to send their applications only by registered / speed post only but the applicant did not sent her application either by registered or speed post. The applicant had only sent her application through ordinary post, hence, the same was considered and rejected. The reason given by the Office of Senior Superintendent of Post Offices was that there is no provision in the department to maintain the record of un-registered mail, hence, applications were required to be sent by registered / speed post only. Thus, it is clear that the action of the respondents is proper and justified and as per rules / instructions. It was also clear that the receipt of applications through ordinary post or by hand could lead to adoption of malpractices in the process of the

selection and thus, due to non compliance of the notified procedure required, has rendered cancellation of the application of the applicant. Thus, the action of the respondent is justified and the present Original Application deserves to be dismissed.

4. The applicant has not filed any rejoinder denying the contentions of the respondents.

5. Heard learned counsel for the parties and examined the pleadings available on record.

6. Both the applicant as well as the respondents reiterated their stand taken earlier.

7. The basic question which required to be considered as whether the application of the applicant sent by ordinary post requires to be considered.

8. The factual matrix of the case is that the applicant had sent an application as per the notification dated 18.12.2015 for the post of Rural Postal Employee. She has sent the application by ordinary post instead of registered post / speed post, though the mode of sending application was clearly

mentioned in the notification / advertisement No. Alwar/advertisement/01/2015 dated 18.12.2015. As seen, the application of the applicant was considered by the authorities but the same was cancelled and the application of the applicant was sent back with the remarks 'returned' to the applicant. Though the applicant possessed the necessary qualifications or the documents as required for the said post but the respondents have not considered her application only on the ground that the same was not sent by registered post / speed post. It is also seen that the applicant had gone to the respondents' office and had tried to personally hand over the application form on 17.01.2016 but the respondents have not considered as it was very clearly mentioned in the notification that the same had to be given only by registered post / speed post.

9. It is seen that the respondents had not accepted the applications which were sent by ordinary post so that no malpractice is committed in the process of selection as the record of registered post / speed post is maintained and there is no such method of maintaining the record of unregistered mail / ordinary post. Thus, we do not find any illegality in the action

of the respondents by not accepting the application of the applicant.

10. In view of what we have observed above, the present Original Application is devoid of merit and the same is accordingly dismissed with no order as to costs.

(HINA P. SHAH)
JUDICIAL MEMBER

(DINESH SHARMA)
ADMINISTRATIVE MEMBER

/nlk/