

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW
(HEARING THROUGH VIDEO CONFERENCING)**

S1. No. 3 Dated: 09.12.2020

O.A. No. 332/00324/2020

Pancham Lal Rawat,
Aged about 48 years,
S/o Late Bansi Lal,
R/o Village & Post Rasoolpur Sadaat,
Lucknow

....Applicant.

By Advocate : Shri Dharmendra Awasthi.

Versus

1. Union of India through the Secretary, Ministry of Communication,
Department of Posts, Government of India,
Dak Bhawan,
New Delhi.
2. Chief Postmaster General,
U.P. Circle, Lucknow.
3. Assistant Postmaster General(TG &DE)O/o Chief PMG,
U.P. Circle, Lucknow.
4. Senior Superintendent of Posts Offices,
Lucknow Division,
Lucknow.
5. Sri Nand Lal, S/o not known, presently posted as Postman, Mohanlalganj, Lucknow.

6. Sri Ganga Prasad,
S/o not known,
Presently posted as Chowk HPO,
Lucknow.

...Respondents.

By Advocate : Smt. Prayagmati Gupta.

O R D E R (O R A L)

BY HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A)

This is a Division Bench matter. Division Bench is not convened today.

2. At the outset, Shri Dharmendra Awasthi, learned counsel for the applicant, stated that this O.A. has been filed further to liberty given to the applicant when the earlier O.A.332/00300/2020 filed in this regard was withdrawn on 02.12.2020. He clarified that the technical defects in the earlier O.A. have now been rectified, with the affected private respondents now being impleaded as respondent Nos. 5 and 6. He also clarified that the order of the official respondents dated 25.11.2020, (Annexure-1), vide which six persons, including the respondent nos. 5 and 6 have been declared successful in the Limited Departmental Competitive Examination, (LDCE), for appointment of Postal Assistant/Sorting Assistant has now been specifically challenged in the present O.A. Since subsequently, vide order dated 02.12.2020, (Annexure-10), these six candidates, including Respondent No. 5 and 6 had been sent for training. Shri Dharmendra Awasthi, learned counsel

for the applicant expressed the apprehension that once the training programme is completed, these candidates including Respondent No. 5 and 6 will receive appointment as Postal Assistant/Sorting Assistant and thus would render the applicant's O.A infructuous. He argued that since the applicant had obtained 82 marks in the Limited Departmental Competitive Examination, as opposed to 76 marks obtained by Respondent No. 5 and 68 marks obtained by Respondent No. 6, denying him the post of Postal Assistant/Sorting Assistant available in the Reserved Category and would be gross injustice. Learned counsel for the applicant Shri Awasthi stated that the applicant had given several representations to the respondents seeking redressal of his grievance, the latest being on 01.06.2020. However, the respondents had not yet disposed of these representations. Shri Awasthi stated that he would be satisfied, if the respondents are directed to consider these representations and dispose of the same in accordance with law within a fix period of time.

3. At this, Smt. Prayagmati Gupta, learned counsel for the official respondents, pointed out that it may be difficult for such a series of representations to be addressed by a single order in the manner suggested and that the directly affected private respondents, i.e. Respondent Nos. 5 and 6, are also required to be heard in this matter in keeping with the principles of natural justice.

4. Accordingly, given the position as above, without entering into the merits of the case at this stage and looking only to the balance of convenience in the matter, the order of 25.11.2020

issued by the respondents, (Annexure-1) is stayed only to the extent that it relates to the selection and possible appointment after training, of Respondent nos. 5 and 6, selected against vacancies reserved for Scheduled Castes, till the respondents consider and dispose of any representation made by the applicant within the next fortnight in this matter. On such representation, if made within the stipulated period, the respondents shall consider and dispose of the same by way of a reasoned and speaking order in accordance with law, within a further period of four weeks, after giving an opportunity of personal hearing to the applicant as well as the private respondents nos. 5 and 6. It is again made clear that this order applies only to the selection made against the two reserved category posts of Postal Assistant/Sorting Assistant vide the respondents' order of 25.11.2020 and will not apply to the other selections made vide the impugned order, or again, to the earlier mentioned order related to training dated 02.12.2020.

5. The O.A is accordingly disposed of at the admission stage itself.
6. There shall be no order as to costs.

(A.MUKHOPADHAYA)
Member (A)

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