

Court no.2

Central Administrative Tribunal, Allahabad.

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Registration T.A.No.78 of 1987

Hari Prasad Gupta and 5 others ... Applicants

vs.

Sr. Superintendent, Railway Mail Service
Kanpur and others ...

Respondents.

Hon.K.J.Raman, AM
Hon.D.K.Agrawal, JM

By Hon.D.K.Agrawal, JM

Civil Misc. Writ Petition No.1281 of 1983 under Article 226 of the Constitution filed in High Court, Allahabad on transfer to the Tribunal under the provisions of S.29 of the Administrative Tribunals Act XIII of 1985 was registered as T.A.No.78 of 1987, as indicated above.

2. The facts in brief are that the Petitioners, six in number, working as Extra Departmental Mail Agents were put off duty by an order dated 20.9.1983 on the basis of cancellation of their selection. Therefore, they filed the aforesaid writ petition on 22nd Oct.1983 and an interim order was passed in their favour on 14.12.1983 to allow them to work provisionally as Extra Departmental Mail Agent. As a result of the stay order granted by Hon.High Court, the Petitioners continued to work as Extra Departmental Mail Agents as on date. Meanwhile, there were some developments inasmuch as the Petitioners appeared for Gr.'D' category examination held on 3.1.1988 and except the petitioner no.2, namely, Avdhesh Kumar Vishwakarma, all thers successfully passed the examination. Therefore a Supplementary Affidavit was filed stating the factum of Petitioners having appeared in the said examination and passed the same. The Respondents, however, did not clearly admit or deny this fact. Therefore, the result sheet of the test was called for. We have perused the result sheet in the presence of learned counsel for the parties. We find that the allegations made by the Petitioners is correct, i.e., the Petitioner nos.1 and 3 to 6 have passed the test. It is also alleged that the Petitioner no.2 has subsequently passed the test, the papers of which are not available for our perusal.

Adv. Goyal

3. In the circumstances stated above, we are of opinion that Petitioner nos.1 and 3 to 6 are entitled to such appointment as warranted by rules on the basis of passing the aforesaid examination. As regards Petitioner no.2, we leave it to the competent authority to examine whether he has also passed in the subsequent examination. If so, the competent authority may pass orders in accordance with rules in the light of the observations made in this judgement.

4. In view of what has been discussed above, we hereby direct the Respondents to offer appointments to Petitioner nos. 1 and 3 to 6 for the post they are entitled on the basis of their having passed the aforesaid examination. As regards wages and other allowances, the competent authority will take decision in accordance with rules. Action in regard to Petitioner no2. shall be taken by the competent authority in the light of the observations made in the body of this judgement. The parties shall bear their own costs

DR. G. S. RAO

MEMBER (J) 24.1.90.

DATED 24.1.1990
KKB

K. C. BAWAL

MEMBER (A)