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(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1211 of 1988

Allahabad this the 19th day of December 1995

Hon'ble Dr. R.K. Saxena, Member (Jud.)
Hon'ble Mr. S. Dayal, Member (Admn.)

Tulsi Prasad, E.D. Branch Postmaster, Jangal
Benimadho B.O. (Fertilizer Factory), Gorakhpur.

APPLICANT.

By Advocate Shri Rakesh Verma

Versus

1. The Sr. Supdt. of Post Offices Gorakhpur
Division, Gorakhpur - 273001
2. The Director of Postal Services, Allahabad
Region, Allahabad - 211001
3. The Secretary, Ministry of Communication
(Department of Post) Central Govt. Union of
India, New Delhi - 111001

RESPONDENTS

Advocate Shri N.B. Singh.

ORDER (ORAL)

By Hon'ble Dr. R.K. Saxena, Member (J)

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This applicant has approached the
Tribunal for seeking reliefs, that the applicant
be declared successful in the examination for the
post of Postman held on 20.12.1987, be declared as
senior most candidate amongst the successful candidates,
be allowed monetary benefits of the said post and

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any other relief which may be found fit.

2. Briefly stated the facts of the case are that the applicant was initially appointed as Extra Departmental Branch Post Master (herein after referred as E.D.B.P.M.) on 24.12.1970 and since then he was working as such in the department. There occurred regular vacancies of Group 'D' in the year 1987 and the applicant wanted to appear in the test to be conducted for those posts. He was not allowed to appear because he failed to produce the copy of the appointment letter as E.D.B.P.M. The result was that he could not be selected in the regular vacancy of Group 'D'. Hence, this O.A. with the above mentioned reliefs.

3. The respondents contested the case on the grounds that there were several persons senior to the applicant and, therefore, the applicant could not be called for the test. It is further pointed out that the date of entry of the applicant in service was 05.12.1974 as against 24.2.1970 which has been claimed by the applicant.

4. We have heard Shri Rakesh Verma, counsel for the applicant and Shri P. Mathur, counsel for the respondents. We have also perused the record.

5. The main question in this case is, as to whether the applicant falls in the zone of eligible candidates. The basis for this eligibility has been

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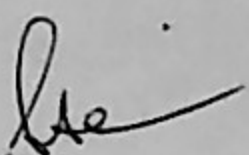
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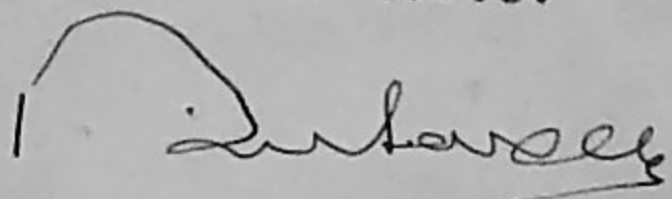
argued to be the seniority lists which were prepared in the year 1981(Ann-A-8), and 1982(Ann.A-9) and in the year 1983(Ann.A-10). In all these 3 lists of seniority which were prepared by the respondents, the date of birth of the applicant is shown as 04.6.1947 and date of entry in service, is shown as 24.2.1970. It is argued on behalf of the respondents that wrong date of entry in service was made and that incorrectness crept ²in these seniority lists and, therefore, the applicant is not entitled to get any benefit. The original appointment letter is expected to be in possession of the respondents and if, the applicant was deliberately withholding the production of copy of the appointment letter, the respondents could have verified ²the fact from their own record but, it was not done. Not only this, the date of entry in service which is being claimed by the applicant as 24.2.1970, has been shown in all these 3 seniority lists. The respondents could not produce any document which may indicate the incorrectness of this date. Thus, the respondents are estopped from challenging ²this date of entry of the applicant into service as E.D.B.P.M. The result, therefore, is that the applicant's entry in service shall be deemed from 24.2.1970.

6. In view of these facts, the reliefs claimed by the applicant in para 9(i), (ii) and (iii), cannot be allowed because the selection had taken place in the year 1987 and everything is over by now. No stay was sought or granted to the applicant.

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Learned counsel for the applicant, however, submits that the applicant be allowed to appear in the next selection test for the post irrespective of the fact that he has or may have become overage. In our opinion, the prayer made by the learned counsel for the applicant is quite reasonable and we, therefore, direct the respondents to allow the applicant to appear in the next test for the selection of the post of Group 'D' / Postman. If, he is overage, the necessary ^{power of} relaxation powers be exercised and be granted to him. The O.A. is disposed of accordingly. No order as to costs.


Member (A)


Member (J)

AM.M./