

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

D. A. NO.
T. C. NO.

73/89

OF 197

Date of doc.

4-7-92

..... Jagannath Petitioner

..... Shri S. A. Joshi Advocate for the Petitioner

Versus

..... M. O. J. Deobhai Respondent

..... Shri K. C. Singh Advocate for the Respondents

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CORAM :-

The Hon'ble Mr. Justice V. C. Sivastava, V. C.

The Hon'ble Mr. K. Obayya, A. M.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether to be circulated to all other Benches?

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Signature

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(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A.No.73 of 1989.

Jagannath Applicant.

Versus

Union of India & others Respondents.

Hon'ble Mr.Justice U.C.Srivastava, V.L.

Hon'ble Mr.K.Obayya, A.M.

(By Hon'ble Mr.Justice U.C.Srivastava, V.L.)

As the pleadings are complete, we are going to depose of this case.

2.. The applicant appeared in the Central Excise Inspector's Examination held in 1983 and was declared successful. He was given an offer of appointment on 4.12.84 but it appears, according to the applicant, the same did not reach to the applicant due to wrong postal address. The appointment letter could not be received even upto 31.1.86. One letter was received by him on 4.2.86. It was thereafter that the applicant requested for three months' extension on medical ground but his request was not granted and later on the dossier of the applicant was sent to the Collector, Central Excise for cancellation of appointment on 31.8.87. The applicant's appointment was cancelled on 7.10.87. He filed a representation against the same which too was rejected on 23.10.87.

3. According to the respondents, the applicant was offered an appointment on 4.12.87 and he was asked to appear before the Chief Medical Officer, Meerut for medical examination on or before 25.12.84. In this connection, a letter was sent to him and he was asked to join duty on or before 25.12.84 and this letter contained a specific condition that in case the applicant failed to join his duties by 25th December, 1984, he should consider the offer of

appointment as cancelled. As the applicant failed to comply with the same, the offer automatically stood cancelled. The letter, which was sent to the applicant, was received back undelivered and as such the said letter was again sent on 29.3.85 and the same was again returned back with the remark that the addressee had gone on long leave. In the said letter, the applicant was given an extended time limit to join his duty by 17.4.85. Again vide letter dated 4.2.86, the applicant was given offer of appointment and was instructed to join his duty by 20.2.86. It was thereafter that a letter was sent by the applicant on 18.2.86 which was received in the office on 25.2.86 in which he requested for extension of three months' time mentioning therein that the earlier letters were not received by him because address which was given in those letters, was mentioned as Room No.14 instead of Room No.141/B-1. The remark, which was given by the postal authorities, was not wrong and as a matter of fact, the addressee was not available as he had gone out on long leave. The applicant did not report for duty upto 20.2.86 and that is why he was intimated vide letter dated 18.2.86 that no further extension was possible. It was in these circumstances that the appointment had to be cancelled. Even though at a juncture of adjustment he was granted time for joining duty. The respondent in these circumstances had no option but to cancel the offer of appointment. But as is in this case, it may be that ofcourse, under mistaken belief the applicant could not join the duty, obviously he was interested in joining the service. For some reason or the other, he could not get the letter and had no occasion to look into it, notwithstanding the fact that the appointment in these circumstances could have been cancelled and has been

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cancelled, an offer of appointment can now be given to the applicant which may enable the applicant to join the duty. It is expected that the department will give yet another opportunity to the applicant to join the service if the applicant has not joined service elsewhere. With the above observation, the application is disposed of finally. No order as to costs.

R. B. Biju
MEMBER (A)

V. V. S. S. Nair
VICE CHAIRMAN.

DATED : DECEMBER 4, 1992.
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