

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 23rd day of February 1995.

Original Application no. 403 of 1994.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

Jahar Singh, S/o Shri T.L. Singh, A/a 32½ Years,
Postal Assistant, SBCO, Agra-1.

.... Applicant

C/A Shri R.K. Tiwari.

Versus

1. Union of India, through Secretary, Ministry of Communication, New Delhi-1.
2. Shri A.K. Kausal, ADG (SPN), O/O D.G Posts New Delhi-1.
3. C.P.M.G., Lucknow-1.
4. Sr. Supdt, Posts Agra-1.

.... Respondents.

C/R Shri S.C. Tripathi.

ORDER

(Hon'ble Mr. S. Dayal, Member-A)

This is an application under section 19 of the Administrative Tribunal Act, 1985, against order no. 141 - 230/92 - S.P.B - II dated 23-7-93, cancelling the candidature of the applicant in the

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P.O. & R.M.S Accountants Examination held on 22nd May 1992 after the applicant was permitted to appear at these examinations and was declared successful, and also order no. 141/23/92-SPB II dated 17.12.93 in review petition regarding the applicant's request without giving any reasons.

2. The orders have been challenged because the ground for cancellation of candidature was that the applicant was working as L.D.C, S.B.C.O. This was wrong. The applicant was working as Postal Assistant in the S.B.C.O. from 01.08.91 and was on that post when he was given permission to appear on 28.02.92, when he appeared at the examination on 22.05.92 and when he was declared successful on 12.11.92. Secondly, the Director General's letter dated 26.07.91 which provided for creation of post of Postal Assistant C.B.C.O., did not debar the Postal Assistants, S.B.C.O. from appearing in the P.O. and R.M.S examinations. Thirdly, the A.D.G in cancelling the candidature of the applicant has superceded the DG's orders.


3. The counsel for the applicant Shri R.K. Tiwari was heard and he mentioned the facts that the applicant worked as L.D.C in S.B.C.O before 1.8.91 but from 1.8.91 he only worked as Postal Assistant. He was successful at the qualifying examination after having been permitted to appear but was not allowed to join as Accountant. The counsel for

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Respondents Shri S.C. Tripathi drew attention to paragraph 1 (ii) and (iv) of CA-10 and maintained that the applicant was not qualified to appear.

4. CA 10 shows that the posts of LDC and UDC except for the posts of those incumbents who opted to remain as LDC's and UDC's would be converted with effect from 1.8.91 to those of Postal Assistants and the converted posts were treated as not involving higher duties and responsibility. The Postal Assistants S.B.C.O were to perform the duties of LDC's. It is stipulated in this order that after reorganisation, the Postal Assistants of S.B.C.O will have distinct identity and will not be interchangeable with the Postal Assistants of the Post Office.

5. We find that the contention of the applicant that the respondents have considered him ineligible to appear for the examination of P.O., and R.M.S Accountant. The *candidates* 'was working' used in the annexure can have two meanings - that he was working as LDC prior to his redesignation as Postal Assistant or that he was working as LDC at the time of appearing for the examination. Let us take the second interpretation which is more favourable to the applicant. Annexure CA-9 shows that permanent and quasi permanent clerks and sorters in the post offices and Railway Mail Service could appear at the examination for appointment of Accountants on



Post Offices and Railway Mail Service provided they are selected by Head of Circle for appearing at the examination within the limit of 15 times the number of vacancies. Later the clerks and sorters in Post Offices and Railway Mail Service appear to have got redesignated as Postal Assistants and Sorting Assistants respectively and Postal/Sorting Assistants of the Post Offices and Railway Mail Service having three years continuous service as Postal/Sorting Assistants and declared permanent or quasipermanent became eligible for the post of Accountant of Post Offices and Railway Mail Service (Vol IV of Swami's compilation of Post and Telegraph Manual, 1981).

6. We find from the admitted facts of the case that the applicant was allowed to appear at the examination for appointment as Accountants, albeit by mistake, as he belonged to a separate cadre from those which were considered eligible under paragraph 273 of volume IV of the Posts and Telegraph Manual. The applicant was bonafide candidate as there was no lapse committed by him for which his candidature could be cancelled. We have been shown no provision under which order for cancellation of candidature at Annexure A-1 of the OA could be made. We, therefore, set aside any order of cancellation of candidature which may have been passed and communicated by


official letter no. 141-230/92-SPB-II dated 23.7.93 of the ADG (SPN) and ADR/Con/M-67/92/3 dated 28.7.93 of the ADPS (Rectt). We also set aside any

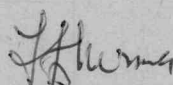
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order which may have been passed and communicated vide B1/Genl/Acctt/93-94 dated 10.1.94 of the Senior Superintendent Post Offices Agra.

7. We, however, find that the consequent relief of promotion to the post of Accountant claimed by the applicant cannot be granted as he had clearly become ineligible for promotion by virtue of separation of cadres of Assistants of S.B.C.O from those of Post Offices and Railway Mail Service. The applicant has not been able to show that any Assistant of S.B.C.O. was so allowed to appear at the examination and promoted to the post of Accountant in the Post Offices or Railway Mail Service. therefore, this relief claim by the applicant is inadmissible.

8. There shall be no order as to costs.


Member-A


Member-J

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