

OPEN COURT

Allah
Central Administrative Tribunal
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 29th day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.
HON. MR. RAFIQUDDIN, J.M.

O.A. No. 339 of 1999.

Jitendra Kumar Singh a/a 28 years s/o Sri Binda Prasad
Singh r/o 125/66E, Ram Nagar, Naini, Allahabad.

.....

..... Applicant.

Counsel for applicant : Sri Rakesh Verma.

Versus

1. Union of India through the Secretary, Ministry of Communication, New Delhi.
2. The Post Master General, Bareilly Region, Bareilly.
3. The Superintendent of Post Offices, Khiri Division, Khiri.....

..... Respondents.

Counsel for respondents : Sri M.K. Upadhyay, B.H. of Sri S.C. Tripathi.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for issuance of Direction to the respondents to appoint the applicant on the post of Postal Assistant in pursuance of the merit/ select list as shown in letter dated 21.12.1994. A direction has also been sought to return the applicant all his original certificates under receipt to the Respdt. No.3 on 11.1.95 within time bound manner.

2. The case of the applicant is that he appeared for selection of postal assistant against seven vacancies of postal assistant notified for general information in the year 1994. Out of the aforesaid seven vacancies, four were meant for general candidates and one was reserved for Scheduled Caste candidates and two were reserved for OBC candidates. The petitioner belongs to general category

He applied and was selected and his name was included in letter dated 21.12.94. The applicant appeared before the respondents on their direction and submitted his certificates. The name of the applicant is registered with the employment exchange, Allahabad with Registration No.C/17246/94 dated 5.10.94. The applicant is B.Sc. Honrs. from Magadh University Gaya, Bihar. The applicant waited for his appointment letter and on not getting appointment letter, he made a representation on 7.8.98 to Respondent No.2, which is not replied to. He claims that he has come to know that his employment card has not been found to be genuine. The applicant also claims that he would prove that his employment card is genuine, if given opportunity.

3. We have heard Sri R. Verma for applicant and Sri S.C. Tripathi for the respondents.

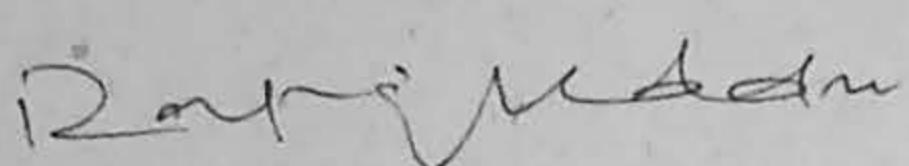
4. Counsel for respondents has invited attention to Annexure SCA-I in which a photo copy of employment registration card has been submitted by the applicant in category X-120. They have also stated that against the said number, one Sri B.L. Sharma is registered with the employment exchange and since the employment card of the applicant was found fake, he was not issued the letter of appointment. Counsel for respondents has mentioned that the only requirement was that candidate should be registered with the employment exchange. He states that the applicant was registered with the employment exchange against registration No.X-140 C/17246/94. The applicant claims that if he has been given opportunity to prove, he would prove that he was genuinely registered.

5. It would be reasonable for the respondents to grant an opportunity to the applicant to show that he was registered as per the document submitted by him at the time his candidature for the post was initially considered. The applicant had been duly selected and his name had been included in the letter and had reasonable

expectation of being appointed. The respondents can deny this expectation by grant of opportunity to the applicant to state his case by giving him a show cause notice.

6. We, therefore, direct the respondents to give an opportunity to show cause notice to the applicant and within one month, decide his case on the basis of reply received within a period of two months from the date of receipt of the reply and inform the applicant of the outcome. The O.A. is disposed of accordingly;

There shall be no order as to costs.



J.M.



A.M.

Asthana/
31.1.02