

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

**HON'BLE MR.A.K. GAUR , MEMBER (J).
HON'BLE MR. S. N. SHUKLA, MEMBER (A).**

Original Application Number. 854 OF 1999.

ALLAHABAD this the 10th day of **March, 2010.**

Smt. Bindu Singh wife of Sri Ravindra Pratap Singh, aged about 37 years,
resident of village and post Parasi Kalan, District- Chandauli.
.....Applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Communication,
New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices, East Division, Varanasi.
4. Sri Shiv Shankar Tewari, son of Sri Ram Ji Tewari, resident of
village and Post- Parasi Kalan, District- Chandauli.

.....Respondents

Advocate for the applicant: Sri R.P. Singh
Sri L.M. Singh
Advocate for the Respondents : Sri S.K. Pandey for Respondent No. 4

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M)

Sri S.K. Pandey, Learned counsel for the private respondent has raised preliminary objection that the O.A has been filed by concealing material fact inasmuch as the document alleged to have been submitted within time was prepared after the cut of date specified in the advertisement. He submitted that no reliance can be placed on the said documents.

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2. Learned counsel for the applicant on the other hand submitted that neither cut of date was fixed in the advertisement nor there was any requirement to submit all the documents alongwith applicant and as such documents were submitted subsequently. Learned counsel for the respondent No. 4 invited our attention to para 7 of the Original Application and stated that in pursuance of the said Notification, 8 candidates including applicant submitted their applications within time. The applicant alongwith her application submitted following documents: -

- a. High School Examination Mark sheet
- b. Income Certificate
- c. Certificate given by the Tehsildar showing herself as permanent resident of village Parasi Kalan and has her own house
- d. Certificate of landed property
- e. Character Certificate
- f. Certificate regarding house property issued by the Pradhan of the Village.

3. Sri S.K. Pandey, learned counsel for respondent No. 4 invited our attention to Annexure A-1 of O.A and submitted that the cut of date specified in the advertisement is 04.01.1998. He further submitted that the documents enumerated in para 7 of O.A clearly indicates that these documents are of subsequent date of the year 1999.

4. We have carefully seen the Counter Affidavit filed by the official respondents as well as pleadings on record and find that the applicant in para 7 of O.A has clearly and specifically mentioned that in pursuance of the notification dated 05.12.1997, 8 candidates including the applicant submitted their applications within time. The applicant also submitted certain documents alongwith her application. A perusal of those

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documents indicate that the documents relate to the year 1999. By stretch of no imagination it cannot be believed that applicant filed her application within time. It is also clearly seen from para 9 of CA filed by the official respondents that the application of the applicant was received on 18.02.1998 i.e. one day after expiry of last date as specified in the advertisement.

5. In view of the aforesaid observation we find no merit in the O.A and it is accordingly dismissed with no order as to costs.



MEMBER- A.



MEMBER- J.

/Anand/