

Open Court
RESERVED *h*

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: This the 11th day of NOVEMBER, 2005.

Misc. Application No. 858/2004
In
Original Application No. 243 of 2003.

HON'BLE MR. D.R. TIWARI, Member (A)
HON'BLE MR. K.B.S. RAJAN, MEMBER(J)

P.K. Misra ... Applicant

V E R S U S

Union of India & Others ... Respondents

O R D E R

By K.B.S. Rajan, Member-J

OA No. 243/03 was finally decided on 29th July, 2005 and the following direction was passed:-

"In view of the above, the OA succeeds. Respondents are directed to permit the applicant to participate in next examination for the post of Postal Assistant and if the applicant qualifies, he be afforded necessary promotion to the post of Postal Assistant."

2. As a matter of fact, the applicant already stood qualified in the examination held 27-04-2003, vide order dated 7th January, 2004, but the same was treated as provisional in view of the pendency of the OA then. This information had been furnished by the applicant timely by way of MA No. 858/2004, filed on

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13-02-2004, well before passing of the final order. Obviously, the final order did not take into account the above actual situation. The error apparent on record being located, suo-motu the case has been listed before the Court and the order dated 29th July, 2005 is modified to the following extent, by substituting Paragraph 3 thereof as hereunder:-

"3. In view of the above, the OA succeeds. As the applicant already stands qualified in the examination held on 27-04-2003 as per the result declared on 07-01-2004, vide Annexure 2 to MA No. 858/04, but was stated to be provisional due to pendency of this case, respondents are directed to act on the result of the applicant in the said examination and afford him necessary promotion. This shall be accomplished within a period of six weeks from the date of communication of this order."

3. This order would form part of the earlier order dated 29th July, 2005.



MEMBER-J



MEMBER-A

GIRISH/-