

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

...

original Application No. 428 of 2003.

this the 13th day of May 2003.

HON'BLE MAJ. GEN K.K. SRIVASTAVA, MEMBER (A)  
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

1. Aditya Narain Dixit, S/o Sri Madhav Prakash Dixit, R/o Village Ganj, Moradabad, Tehsil Safipur, District Unnao.
2. Shailesh Kumar Awasthi, S/o late Sri Virendra Nath Awasthi, BPM Rar, Ghatampur, Kanpur.

Applicants.

By Advocate : Sri K.K. Tripathi.

Versus.

1. Union of India through Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. CPMG, U.P. Circle, Lucknow.
3. PMG, Kanpur Region, Kanpur.
4. Chief Postmaster, Kanpur Head Post Office, Kanpur.

Respondents.

By Advocate : Sri G.R. Gupta.

O R D E R (ORAL)

MRS. MEERA CHHIBBER, MEMBER (J)

By this O.A., two applicants have sought the following relief(s):

"(a) A direction may be given to the respondents to issue appointment letter in favour of the applicants for the post of regular postman at Head Office, Kanpur in pursuance of the Examination held for the same post on 20.8.1998 and applicants declared qualified and the respondents published list of surplus qualified candidates on 30.8.1999.

(b) A direction may be given to the respondents for not holding the Examination of regular postman on 20.4.2003 till the vacancies are filled-up by the qualified candidates as the ban has already been lifted.

(c) -----.

(d) -----."



2. The grievances of the applicants in this case is that the respondents had issued a notification for holding the examination for recruitment to the post of postman. Both the applicants had appeared in the said examination held on 20.8.1998 and the result thereof was also declared on 30.8.99 (page 20) wherein both the applicants' name figured at sl. no. 2 & 3 bearing Roll no. 406 and 247. However, they were not given appointment as in the meantime the ban had been imposed. Being aggrieved, applicants filed O.A. no. 1053/2000, 1051/2000 and 907 of 2001 which was decided vide judgment dated 1.5.2001 and the Tribunal had observed as follows while disposing of the said O.A.s :

"However, as the respondents have not given appointment to the applicants against the vacancies in Kanpur Head office on the ground of ban of the Department as well as Ministry of Finance, the question of appointment of the applicants may be considered as per rules for appointment, when such ban is lifted. The applications stand disposed of with the above direction with no costs."

3. The grievance of the applicants is that now the respondents have issued a circular letter dated 4.3.2003 for again holding examination for the post of postman (page 41), but the applicants' case has not been considered in spite of the directions given by this Tribunal in their earlier O.A.s. Being aggrieved, they even gave representations on 1.4.2003 and 27.4.2002 (page 44 and Annexure A-8) wherein the applicants have stated that the very fact that these posts have again been advertised for being filled-up, the vacancies, it shows that the ban has been lifted. Therefore, <sup>before</sup> ~~being~~ holding any other examination, the respondents should first consider their candidature as already directed by this Tribunal. It is submitted by both the applicants that the respondents have till date not decided their representations and even the said examination which was scheduled to be held on 20.4.2003 could not be held and is already postponed. The next date has not yet been fixed. The counsel for the applicants, therefore, submitted that they are entitled to be given the relief as claimed by them in the O.A.



4. We have heard both the counsel and perused the pleadings as well.

5. perusal of the earlier judgment shows that the direction was already given to the respondents to consider the case of the applicants for appointment when such ban is lifted. Therefore, we feel that the ends of justice would be better served if without commenting <sup>on B</sup> <sub>~</sub> the merits of the case, this O.A. is disposed off at admission stage itself by giving a direction to the respondents to consider the representations given by the applicants and pass a reasoned and speaking order thereon keeping in view the directions already given by this Tribunal in the earlier O.A.s, within a period of two months from the date of receipt of copy of this order under intimation to the applicants. Till such time, no further examination should be held by the respondents as number of vacancies have not been mentioned in the notification at page 41. If the applicants are still aggrieved by the order passed by the respondents, it will be open for them to file a fresh O.A., if so advised. No costs.

MEMBER (J)

MEMBER (A)

GIRISH/-