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**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH**

OA NO.04/2007

Allahabad, this the 15th day of September, 2008

HON'BLE SHRI JUSTICE M. VENKATESWARA REDDY, MEMBER (J)
HON'BLE SHRI SHAILENDRA PANDEY, MEMBER (A)

Mahendra Pratap Singh
s/o Shri Ram Ashish Singh
r/o Village and Post Dhaneja,
District Chandauli.

... Applicant

(By Advocate: Shri B.Tiwari)

Versus

1. Union of India through
Secretary
Ministry of Post and Telegraph Department
Government of India
New Delhi.
 2. Post Master General
Allahabad Region
Allahabad.
 3. Senior Superintendant of Post Offices
Varanasi
East Division
Varanasi.
 4. Vigilance Officer
Office of Chief Post Master General
U.P.
Circle at Lucknow.
- ... Respondents

(By Advocate: Shri R.C.Shukla for Shri S.Singh)

ORDER (Oral)

BY JUSTICE M. VENKATESWARA REDDY, MEMBER (J):

The applicant, who has been working as Extra Departmental Delivery Agent (in short 'EDDA'), is claiming the following reliefs in this OA:



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"(a) to issue an order or direction in the nature of mandamus commanding the respondents to give promotion to the applicant as Post Man/Village Post Man in pursuance of examination held on 18.4.2004 and applicant should be given seniority and arrear of salary with increment and different of salary.

(b) to issue an order or direction in the nature of mandamus commanding the respondents to enquire the matter on the basis of complaint dated 31.1.2006 which has been duly recommended by officer commanding 4 Corps Postal Unit 99 APO Assam and on the basis of letter dated 27.9.2006 written by the then Post Master General, Allahabad Region, Allahabad."

2. The undisputed facts that have emerged from the pleadings as well as during the course of the arguments are that the applicant appeared for the written examination held for the post of Postman on 18.04.2004. The results were communicated by the respondents vide their letter dated 24.09.2004 (Annexure A2 to the OA) to the concerned stating that none qualified either in the departmental quota or in the E.D. quota.

3. It appears that the examinations were held later also. A letter dated 11.6.2006 (Annexure A9 to the OA) was addressed to the Postmaster General, Allahabad Region, Allahabad, by the Major, Officer Commanding, 4 Corps Postal Unit stating that examination for promotion to the cadre of Postman/Mail Guard in respect of Varanasi East Division could not be conducted at the unit concerned on 25.06.2006 due to non-receipt of the question papers by due date. Therefore, the Officer Commanding recommended to hold a fresh examination. Again, a similar letter dated 27.09.2006 (Annexure A12 to the OA) was written by the same authority to the Postmaster General, Allahabad Region stating that for the examination

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held on 24.09.2006 question papers were received on 27.09.2006 and, therefore, examination could not be held. The late receipt of the question papers on both the occasions led to suspicion of some foul play taking place. It is further stated in the letter as under:

"On scrutiny of the outer cover bearing No RL No PS-IL B 99 of the insured letter booked at Allahabad HO, it is seen that the computerized receipt affixed on the cover suspects some foul play. The date of booking has been deleted by cross marks. However, the date of booking can be easily gauged as 20 Sep. 06. From Allahabad HO the insured letter dispatched to 2 CBPO where the same had been closed in 'R' bag dated 25 Sep 06 and subsequently received by us on 27 Sep 06. The outer cover is sent herewith facilitating you to conduct the detailed enquiry."

He also recommended that a special chance be given to the applicant to sit in the examination.

4. In the counter reply filed by the respondents, it is stated that the question papers were dispatched in time, however, the authority which had to hold the examination is denying the same.

5. As against the above stated facts, the learned counsel for the applicant states that applicant would be satisfied if an inquiry is held as to why the question papers did not reach the unit concerned on the two above occasions and an opportunity be given to the applicant to appear for the examination to be held specially for him, if the findings of the inquiry warrant the same.

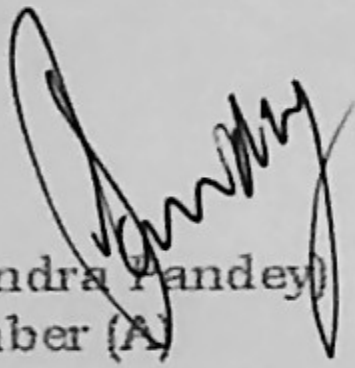
6. Accordingly, this OA is disposed of with a direction to the Respondents to hold an inquiry as to why the question papers did not reach the concerned unit where the applicant had to written the examinations on 25.06.2006 and 24.09.2006 and if the findings of the inquiry warrant that a chance be given to the applicant, a chance may

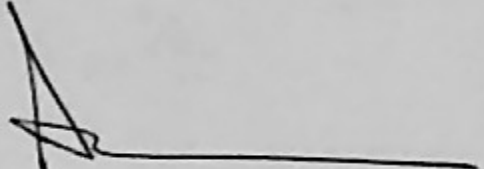
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be given to the applicant to appear for the examination to be conducted specially for him for the purpose as per rules. The inquiry shall be completed within three months from today and if authorities came to the conclusion that a fresh examination need to be held for the applicant, it should be held within two months thereafter. The Original Application is disposed of accordingly. No costs.


(Shailendra Pandey)
Member (A)


(Justice M. Venkateswara Reddy)
Member (J)

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