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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 11th day of January 2007.

Original Application No. 412 of 2007

Hon'ble Mr. G. George Paracken, Member (J)

Hon'ble Mr. K.S. Menon, Member (A)

Mahangu Maurya, S/o Sri Chandra Maurya, R/o Village
and Post Office Surajpur, Distt: Mau.

. . . Applicant

By Adv: Sri B.N. Singh

V E R S U S

1. Union of India through Secretary, Ministry of
Communication (P&T), Dak Bhawan, Sansad Marg,
New Delhi.
2. The Senior Superintendent of Post Offices,
Azamgarh Division, Azamgarh.
3. The Assistant Superintendent of Post Offices,
Mau.

. . . Respondents

By Adv: Sri S. Singh

O R D E R

By G. George Paracken, Member (J)

By means of this present OA under Section 19 of
the AT Act, 1985 the applicant has challenged the
order dated 09.04.2007 passed by the respondent No.
3 by which the request of the applicant for
consideration of his candidature for appointment to
the post of Gramin Dak Sewak Mail Deliverer (GDSMD

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for short) Surajpur was rejected. He has, therefore, sought a direction to the respondent No. 3 to consider him for appointment to the aforesaid post.

2. The brief facts of the case are that the respondents have issued a notification dated 19.12.2006 inviting applications for regular appointment to the post of GDSMD Surajpur and the last date for the receipt of the applications was 18.01.2007. The applicant reached the office of respondent No. 3 on 18.01.2007 and tendered his application. Since the concerned receiving clerk was not available on the seat, no other officials was prepared to receive the same. As the closure time for receipt of the Applications was running out he had no alternative but to send it by Speed Post to the respondents at 16.03 hrs on 18.01.2007 itself in the very same post office where the application was to be received. Apprehending that the respondents may not accept his application, he met the appointing authority personally and explained about his case, but he was not given any information about the fate of his application. He has, therefore, made the Annexure 3 representation dated 13.03.2007 to the respondent No. 3 requesting him to

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consider his candidature and take necessary action for verification of the details as per the procedure followed in all such cases. Since the respondents had not given any positive indication to the applicant that his request would be considered favorably he approached this Tribunal earlier vide OA No. 333/07 with the allegation that the respondent No. 3 was not processing his application. The said OA was disposed of with the directions the respondent to look into his grievance and to take suitable action in accordance with rules. ⁹It is in compliance of the aforesaid direction of this Tribunal that the respondent No. 3 has passed the impugned Annexure 12 letter dated 09.04.2007. The respondent No. 3 in the said letter has stated that the last date for receipt of the application was 18.01.2007 but the applicant had sent his application only on the same date but it was received in the office of respondent No. 3 only on 20.01.2007. The respondent No. 3 has also stated that 35 other applications have already been received in office in time and since the application of the applicant was received after the prescribed date, the same was not considered.

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3. When this matter came up for admission on 20.04.2007, considering the urgency of the matter notice was served upon the standing counsel authorized to receive notice on behalf of the respondents and listed for orders on 24.04.2007. In spite of the service of the notice on the standing counsel, the respondents did not choose to file any reply even on the limited question of granting the interim relief. However, Sri Saurabh holding brief of Sri S. Singh Senior Standing counsel was present. After hearing the matter this Tribunal directed the ~~respondents~~ ^{respondents} ~~Tribunal~~ to scrutinize the application submitted by the applicant on 18.01.2007 also. The respondents were also directed that no final decision should be communicated to the applicant without permission of this Tribunal. They were also given liberty to file application seeking vacation of the interim order as the stay granted in the case was exparte.

4. We have heard Sri B.N. Singh learned counsel for the applicant and Sri R.C. Shukla brief holder of Sri S. Singh learned counsel for the respondents. In our considered opinion respondent No. 3 has taken a very obstinate and highly technical stand in the matter. The fact of the matter is that the applicant wanted to tender his application before

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the prescribed time limit 'by hand' to the respondent No. 3. He could not do so only for the reason that the dealing clerk who was entrusted with the responsibility of receiving the applications was not available on his seat. In such circumstances some body else in the office of respondent No. 3 should have received the application form of the applicant. He was, therefore, constrained to send his application by speed post from the post office where the applications ^{were} to be received. The applicant had met the respondent No. 3 and explained his position. He ² ~~was~~ also made ^a ² representation to the respondent No. 3 with the request to consider his candidature in view of the aforementioned circumstances of the case. However, respondent No. 3 has not entertained his request. He has, therefore, approached this Tribunal seeking direction to respondent No. 3 to consider his candidature. This Tribunal has directed the respondent No. 3 to take necessary action in the matter. However, the decision taken by the respondent No. 3 is found to be arbitrary and technical as the reason for rejection of his application was that though the applicant had send his application on 18.01.2007 itself by speed post, respondent No. 3 received it only on 20.01.2007.

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May be the respondent No. 3 is technically justified in holding such a view but the fact is that the applicant had informed the circumstances under which the Applicant had to send his application by speed post on the due date. It is true that there should be cut off date for receiving of the applications and the same has been adhered to. But at the same time ~~it~~ [✓] no body can deny the submission of the application by hand before closure time. In this case the applicant could not submit his application before the closure time only because the same was not received by the concerned clerk in the office of respondent No. 3. As all these facts were well known to the respondent No. 3, he need not have taken such ^a rigid and technical view and to frustrate the effort of the Applicant at the stage of the making the application itself. In our Country unemployment is so rampant and every person is trying to get some job or other. Denying even an opportunity to submit the application is very harsh on any candidate.

5. In the above facts and circumstances of the case we are of the opinion the non consideration of the Applicant's application dated 18.01.2007 on the ground that it was received after the closure time

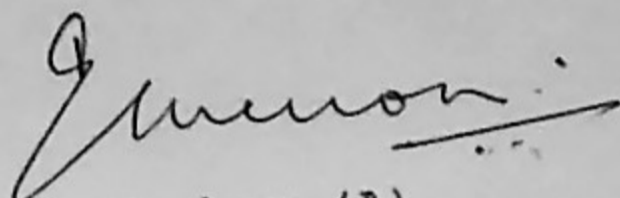
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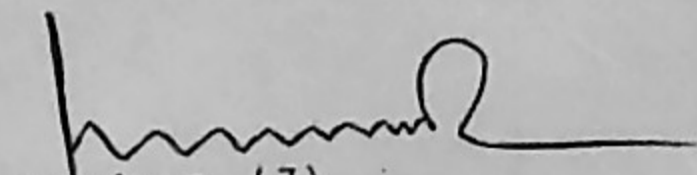
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for receipt of the applications is absolutely unjustifiable. The respondent No. 3 is, therefore, directed to consider the application of the applicant dated 18.01.2007 as an application received within the prescribed time and processes it alongwith all other applications received within prescribed time limit.

6. . The OA is accordingly allowed. There shall be no order as to costs.


Member (A)

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Member (J)