

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 328 OF 1989

Date of decision: March, 25, 1991,

Abdul Munna and others : Applicants

Versus

Union of India and others : Respondents

For the applicants : M/s. Devanand Misra,
Deepak Misra,
R.N.Naik, A.Deo,
B.S.Tripathy,
Advocates

For the Respondent Nos. 1&3 : Mr. Ganeswar Rath, Standing
Counsel (Central)

For the Respondent Nos. 4,
6, 9, 13 and 14 : M/s B.S.Tripathy, B.K.Sahoo,
S.Mallick, K.P.Misra,
Advocates

C O R A M S :

THE HON'BLE MR. B.R.PATEL, VICE CHAIRMAN

AND

THE HON'BLE MR. N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? *No*
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

N. SENGUPTA, MEMBER (J), The applicants were working as Extra-Departmental Agent and he applied for being appointed in regular Group 'D' posts under the Postal Department. According to the Rules prevailing in 1988, the E.D. Agent for being appointed to Group 'D' had to pass the literacy test i.e. he must be able to read and write English letters and numerals. The applicant appeared at a test but his grievance is that the question set for the examination were ^{of} _A much higher standard than envisaged by the syllabus ~~for~~ of the examination, in as much as ⁴ _A dictation of complete English words ~~were~~ given for the examination. The contention of the applicant was that the syllabus did not cover ~~writing~~ ^{writing} _{of} ^{but only} words ~~the entire~~ _A letters. The contention of Respondents No. 1 to 3 is that ~~4~~ ⁴ questions were according to syllabus and having regard to the nature of the duties to be performed by Group 'D' Postal officials, ~~the~~ ^{and} fair ability to pronounce ^{and} read addresses is necessary and that is ^{why} _{now} the questions for ~~content~~ ^{writing out words} were set.

See Entry

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2. We have heard Mr. Deepak Misra, the learned Counsel for the applicant and Mr. Ganeswar Rath learned Standing Counsel (Central) for ~~the~~ Respondent Nos. 1 and 3 and Mr. K.P. Misra learned Counsel for Respondent Nos. 4, 6, 9, 13 and 14. In the course of hearing Mr. Deepak Misra has produced a copy of ~~the~~ documents said to be circular issued by the Director General of Posts, New Delhi on 28.8.1990 with regard to the test for absorption of the E.D. Agents in Group 'D' cadre raising and the upper age limit for the EDAs to appear in the examination for recruitment as Postmen. A copy of the letter of the Senior Superintendent R.M.S., Division, Cuttack dated 22.10.1990, Mr. Rath for Respondents No. 1 to 3 submits that he is not sured about the authenticity of this copy. A circular unless expressly made so it cannot have retrospective effect it can only act prospectively. The subject matter of the present Original application is an examination of the year 1989, so his circular ~~is~~ ^{would} not apply ^{to} that examination. Mr. Misra has contended that the applicants for the present don't press for the original relief that they asked for in the application but would like to have

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a direction to the Respondents Nos. 1 to 3 to consider their case for absorption as Group 'D' employees in the Postal Department as by the circular of D.G.

Posta and Telegraphs dated 28.8.1990, The literacy

test prescribed for EDAs for selection of Group 'D'

posts has been abolished. In the present circumstances, if we would direct that ^{any} such circular as letter

No. 44-31/87-SPH.I dated 28.8.90 has been issued,

the absorption of the applicants as Group 'D'

employees may be considered from ~~the~~ dates after

the said date 28.8.90 if vacancies ~~is~~ available.

This consideration should be made within three months

from the date of receipt of the judgment.

3. This application is accordingly disposed of.

There would be no order as to costs.

Bruhat
25.3.91
.....
Vice-Chairman



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Member (Judicial)
25/3/91