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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 337 of 1990.

Date of decision : April 28, 1992.

Paramananda Nanda ... Applicant.

Versus

Union of India and others. ... Respondents.

For the applicant ... M/s. Biswa Mohan Patnaik,
D.R. Patnayak, S. Patnaik,
R.N. Nayak, Advocates.

For the respondents ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT).

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. C. S. PANDEY, MEMBER (ADMINISTRATIVE)

J U D G M E N T

K. P. ACHARYA, V.C., In this application under section 19 of the

Administrative Tribunals Act, 1985, the applicant prays to quash the order contained in Annexure-3 and to allow him to appear in the Inspector of Post Offices Examination which was scheduled to be held in 1989-90.

2. Shortly stated, the case of the applicant is that while he was functioning as Sub-Postmaster, Tikarpada Post Office, under the Rules he was required to pass a particular examination to qualify himself for the post of Inspector of Post Offices. Under the Rules, a particular Officer can take four chances, if he does not qualify himself in the first chance or in subsequent chance. The applicant made an

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application on 7.2.1990 for permission to appear in the examination for the said post. It was denied on the ground that the applicant had applied for taking the examination in the years 1973., 1980, 1981 and 1989 for which roll numbers were allotted to him and the applicant not having been successful in those examinations, no further opportunity could be given to the applicant. The applicant had prayed for an exemption but it was wrongly addressed to the Superintendent of Post Offices who was not the competent authority to grant exemption. The competent authority was the Chief Post Master General. In these circumstances, the prayer of the applicant to appear in the examination of 1990 having been denied to him, this application has been filed with the aforesaid prayer.

3. We have heard Mr. Biswa Mohan Patnaik, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) appearing for the respondents.

4. The provision contained under the relevant rules permitting an Officer to take four examinations was not disputed before us and therefore we proceed on the assumption that a particular Officer can be permitted to appear in four examinations to qualify himself for the post of Inspector of Post Offices. In the present case, in paragraph 3 of the counter, it is stated that the applicant had actually availed two chances namely in the years 1978 and 1989. Further admitted position is that the applicant did not avail the chances during the years 1980 and 1981 due to his illness and he had submitted applications for exemption of those chances. The

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applications are dated 21.10.1980 and 14.12. 1980. The technical defect on which the respondents propose to rely upon was that the exemption was applied to the Superintendent of Post Offices and not to the competent authority namely the Chief Post Master General. Therefore, it is too late in the day to now claim exemption and appear in the examination. We have no doubt in our mind that the applications for exemptions should have been made to the Chief Postmaster General. But at the same time a broad view should be taken when certain technicalities in the rules have not been complied with. Because of the future service prospects of the present applicant who admittedly could not take two chances, we feel inclined to adopt a liberal interpretation of the Rules in force. Ordinarily we would have asked the applicant to file a representation before the Chief Post Master General for exemption but we are fully aware of the multifarious activities and manifold engagements of the Chief Post Master General and therefore, we do not propose to add more of botheration to him when a certain matter could be disposed of at our level. Without least intention of transgressing the jurisdiction of the Chief Post Master General, in order to avoid multiplicity of litigation, we would direct that non-appearance of the applicant in the examinations of 1980 and 1981 are hereby exempted and it is directed that the applicant should be given two more chances for qualifying himself for the post of Inspector of Post Offices. In case the applicant is successful in the first chance, the question of giving him a second chance does not arise. In case, the applicant does not qualify in the first chance, another chance should be given to him to qualify

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in the examination.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

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MEMBER (ADMINISTRATIVE)

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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 28, 1992/Saranghi.

