

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH : CALCUTTA

...

O.A. No. 1506/1996  
This the 28th day of January, 2005.

.....

CORAM :

Hon'ble Mr. D.C. Verma, Vice Chairman

Hon'ble Mr. G.R. Patwardhan, Administrative Member

...

Yogendra Kumar Singh S/o Shri Kamdeo Singh  
residing at C/o Shiwu Ram, Ram Krishna Dangal,  
Asansol 2, District Burdwan,

... Applicant

(Mr. R.G. Ram, Advocate, for applicant)

Versus

1. The Union of India through  
the Secretary, Ministry of Communication,  
Dak Bhawan, New Delhi.
2. The Chief Post Master General,  
West Bengal Circle, having his office at  
premises No. P 36, Chittaranjan Avenue,  
Yogayog Bhawan,  
Calcutta.
3. The Post Master General,  
Calcutta City Region,  
Yogayog Bhawan,  
P 36 Chittaranjan Avenue,  
Calcutta.
4. The Superintendent of Post Offices,  
Calcutta Central Division,  
Calcutta.

... Respondents

(By Mr. R.N. Prasad and B. Mukherjee, Advocates, for the  
respondents).

... 

O R D E R  
( PER G.R. PATWARDHAN, ADMV.MEMBER )

---

This is an application by Yogendra Kumar Singh, against the Union of India and three other officers of the Department of Posts, the last being the Superintendent of Post Offices, Calcutta Central Division, Calcutta. The relief clause in paragraph 8 seeks the help of the Tribunal in directing the respondents to issue a letter of appointment to the applicant and to post him in any Post Office in Calcutta w.e.f. the date of completion of the practical training which is 3.10.1994 along with all arrears of salaries etc. The O.A. has been filed on 20.12.1996, reply filed on 29.4.1998, rejoinder filed on 12.8.1998, reply to the rejoinder filed on 8.1.1999 and the matter finally heard on 25.1.2005. Some of the admitted facts may now be noted in chronological order :-

29.10.1993 - Chief Post Master General, West Bengal, circulates an advertisement in daily news papers for the purpose of recruitment of Postal/Sorting Assistants.

Applications invited in prescribed form which has 9 items in all to be filled by the applicants of which item No. 8 seeks information of the Employment Exchange, Registration Number, Date of Renewal of Registration of the candidate.

20.12.1993 - Last date of sending application.

20.05.1994 - A letter is issued by the Sr. Superintendent of Post Offices, Central Calcutta, to the applicant informing him that he has been provisionally selected to the post and that he should contact the Senior Superintendent of Post Offices, Central Calcutta, with all original mark-sheets, certificates and other

One

documents. The letter in paragraph 3, makes it clear that this offer does not give him any right to claim appointment in the department.

19.09.1994 - The Director, Postal Services, informs the Assistant Post Master General Staff and other authorities about detection of irregularities in providing employment exchange registration numbers by some candidates and detection of fictitious addresses of candidates while applying for the post of Postal Assistant. Directions are issued to verify all the documents like marksheets, certificates and employment exchange cards.

03.10.1994 - The Senior Post Master, Park Street, issued a certificate that the applicant has undergone prescribed attachment for fifteen days w.e.f. 19.9.1994.

30.01.1995 - Employment Officer, Asansol, informs the Senior Superintendent of Post Offices, Central Division, that the registration number issued in favour of Yogendra Kumar Singh be treated as cancelled as the registered letter addressed to him was returned by the Post Office as 'NOT KNOWN'.

10.07.1995 - Employment Officer, Asansol, informs Senior Superintendent of Post Offices that the very existence of the registration number is subsequently found to be false.

01.03.1996 - Senior Superintendent of Post Offices informs the applicant that he should confirm if his employment exchange identity card issued by the Asansol office was still valid and current within seven days of the receipt of the letter.

06.06.1996 - The applicant is informed by the Senior Superintendent of Post Offices that his candidature has been treated as cancelled without any further reference and that he should deposit the training allowance, if paid to him, to the Government account.

20.12.1996 - O.A. 1506/1996 is filed.

se

2. In paragraph 5 of the application, applicant has described the grounds in support of his prayer . Thereafter, he has merely reiterated these very grounds in the rejoinder to the reply that he has filed.

3. We have heard the learned counsels of both the parties. The some total of the attack on the respondents<sup>rests</sup> on following two counts :-

(a) The applicant had under-gone training at the behest of the respondents and thus, the respondents are estopped from revising their decision about his suitability now.

(b) It is not necessary for an aspiring candidate to be registered in an employment exchange and, therefore, respondents cannot take the plea that his registration number in employment exchange is false.

4. The learned counsel for the respondents has relied heavily on the following two grounds in support of their decision :-

(A) Sending the applicant for training was on provisional basis and that if any irregularity is detected even at a late stage, the respondents had the right to correct it and proceed accordingly as no one can be allowed to take advantage of his mis-representation.

(B) The candidature of applicant was cancelled because his declaration as appeared in Sl.No.8

— *Sue* —

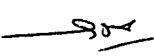
.5.

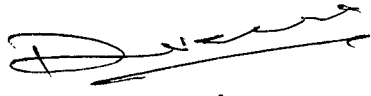
of the application form, was found false. The ground taken is not that he lacked certificate of registration in employment exchange. He could have very easily maintained that he is not registered in any employment exchange but claiming that he was so registered by giving a number that did not exist in the records, amounts to mis-representation and is unbecoming of some one who wants to join the service of the Union of India.

5. During the course of arguments, the learned counsel for the applicant also raised the issue of lack of information or knowledge of the ground on which his candidature was cancelled or which blocked the receipt of an appointment letter. It was his argument that all actions of respondents are without his knowledge and he has not been given any chance to defend himself or place his case. However, we find that the letter dated 6.6.1996 of the respondents was duly received by the applicant which becomes evident from the copy of reply he seems to have addressed to the Senior Superintendent of Post Offices on 17.6.1996 and which is annexed to his application as Annex. 'G'. The pleadings and the arguments of both the parties make it clear that what is at issue is the attempt of the applicant to give some information which on inquiry from the third party (Employment Exchange, Asansol under Government of West Bengal), has not been found true. It goes without saying that the conduct of the applicant on this particular issue, is not very

clean. If the respondents have, therefore, taken offence for the same then, they cannot be faulted. Since the very offer of appointment by going through a training programme is vitiated by these false statements, it follows that no constitutional right can follow from such a tainted transaction. Since the very entry of the applicant into the arena of the service of the Union is in issue and he has been found to have given false statements, it is but natural that the logical consequences should follow and the entry should be permanently barred.

6. The applicant has not been able to establish his bonafides on this issue nor has been able to show infringement of any ~~right~~ of his rights. The application is, therefore, without any merit and is accordingly dismissed with no order as to costs.

  
(G.R. Patwardhan)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman

..

jrm