

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**Original Application No.519/Jodhpur/2013**

Jodhpur, this the 29<sup>th</sup> day of September, 2015

**CORAM**

**Hon'ble Mr. Justice Harun-Ul-Rashid, Judicial Member**  
**Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Munshi Ram S/o Shri Bajarang Lal, aged about 40 years, R/o village and Post Badbirana, Tehsil-Nohar, District Hanumangarh (Raj).

.....Applicant

Mr. J.K. Mishra, counsel for applicant.

Versus

1. Union of India through Secretary to the Government of India, Department of Posts, Ministry of Communications & IT Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Superintendent of Post Offices, Sriganganagar Division, Sriganganagar-355001.

.....respondents

Mr. K.S. Yadav, counsel for respondents.

**ORDER (Oral)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

*"That the respondents may be directed to consider the candidature of the applicant for selection/appointment to the vacant posts of GDS BPM as per the notifications dated 30.10.2013 (Annexure-A/5) and allow him all consequential benefits by treating his educational qualification as equivalent to 10<sup>th</sup> standard."*

2. Learned counsel for the applicant submits that the applicant has passed the Prathama Examination conducted by the Sahitya Sammelan, Allahbad, and

has been further submitted that the applicant also fulfils other eligibility conditions required for appointment to the notified post of GDS BPM, and the act of the respondents in denying him due consideration is not sustainable in the law. It is also pointed out that originally the recognition to Prathama Examination conducted by Sahitya Sammelan, Allahabad was granted upto 26.10.2010 and subsequently the recognition has been extended by HRD Ministry upto 31.05.2013 as per Annexure-A/4 dated 06.12.2012. The applicant has passed the Prathama Examination in the year 2012.


3. The learned counsel for the applicant brought to our notice the order of this Tribunal dated 27.10.2014 passed in OA No.83/2014 and other connected cases. It is submitted by both the learned counsels that the issues involved in that case is similar to the case which is before us. In OA No.83/2014, this Tribunal after considering the contentions of both sides, allowed the said OA on the following terms: -

*"Therefore, we are of the considered view that the OM dated 06.12.2012 issued by the competent authority is binding on the respondent department and the applicants are eligible for consideration of their candidature as per the recognition extended upto 31.05.2013. Accordingly, the appointments to the post of GDS BPM, if any made, pursuant to the notification in these OAs without following the instructions issued by the Ministry of Human Resource Development as per Ann.A/4 cannot be sustained in the eyes of law and hence are quashed and set-aside. The respondents are directed to consider candidature of the applicants as per the provisions of law on the subject within a period of three months from the date of receipt of a copy of this order."*

4. In view of the order passed by this Tribunal in the aforesaid similar case, we also agree with the considered view adopted by this Tribunal that the OM dated 06.12.2012 (Annexure-A/4) issued by the competent authority is binding on the respondent department and the applicant is eligible for consideration of

5. Accordingly, the appointment to the post of GDS BPM, if any made, pursuance to the notification dated 30.10.2013 (Annexure-A/5) without following the instructions issued by the Ministry of Human Resource Department as per Ann.A/4 dated 06.12.2012 cannot be sustained in the eyes of law and hence are quashed and set-aside. The respondents are directed to consider candidature of the applicant as per the provisions of law on the subject within a period of three months from the date of receipt of a copy of this order.

6. The OA is thus disposed of with no order as to costs.

  
[Meenakshi Hooja]  
Administrative Member

  
[Justice Harun-Ul-Rashid]  
Judicial Member

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