

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.181/2001

Thursday this the 1st day of March, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.J.John, S/o PP Joseph,  
aged 31 years, Casual Driver,  
Telecom Civil Division,  
Ernakulam residing at  
Punethil Veedu,

Elamakkara Po, Kochi.26.

...Applikcant

(By Advocate Mr. M.R.Rajendran Nair)

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1. Union of India, represented by  
the Secretary to Government of  
India, Ministry of Communications,  
New Delhi.
2. The Assistant General Manager,  
Bharath Sanchar Nigam limited,  
Ernakulam, Cochin-682036.

...Respondents

(By Advocate Ms.P. Vani, ACGSC)

The application having been heard on 1.3.2001, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is a casual Driver in the  
Telecom Civil Division, Ernakulam submitted an  
application for the post of Driver (Ordinary Grade)  
pursuant to a notification issued by the second  
respondent on 9.8.2000. Finding that the applicant has  
not received the call letter for the test while others

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have got, apprehending that his candidature may not be considered, the applicant has filed this application for a declaration that the applicant is entitled to be considered for appointment as Driver based on the application submitted by him and forwarded as per Annexure.A1 and to direct the respondents to consider his candidature on merits subjecting him to the selection process along with others.

2. When the original application came up for hearing on admission on 16.2.2001 learned Addl. Central Government Standing Counsel Mrs.P.Vani sought some time to get instructions and to make statement. However, with a view to safeguard the interests of the applicant also an interim order was issued on 16.2.2001 directing that the applicant should also be allowed to participate in the selection test scheduled to be held on 19.2.2001 or any deferred date. It is stated now by the learned counsel for the respondents under instructions from the respondents that pursuant to the interim orders, the applicant has been allowed to appear in the test held on 19.2.2001.

3. The respondents' counsel states that the applicant was not called for the test as the application submitted by the applicant to his controlling officer was not received by the second respondent. Further it has been stated in the reply statement filed by the respondents that enquiry into the matter revealed that the application submitted by the applicant was put in transit well in time by the controlling officer but it appears that it has been lost in transit. Under these circumstances, since the applicant has applied in time

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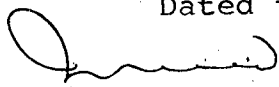


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and the non-receipt of the application <sup>was</sup> /for the reasons beyond the control of the applicant and that as the applicant also has been allowed to participate in the test on the basis of the interim orders of the Tribunal, we are of the considered view that the application may now be disposed of directing the respondents to treat the candidature of the applicant valid.,and to declare the result of the test.

4. In the result, in the light of what is stated above, the application is disposed of directing the respondents to treat the candidature of the applicant as valid, to declare the result of the test held on 19.2.2001 and take appropriate further action in the matter. No order as to costs.

Dated the 1st day of March, 2001



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

(s)