

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 472 of 2006**

This the 30th day of August, 2011

**Hon'ble Mr. Justice Alok Kumar Singh , Member-J**  
**Hon'ble Mr. S.P. Singh, Member-A**

Smt. Meera Mishra, W/o Sri Jagdish Prasad Mishra, Aged about 43 years, ED Packer, Blunt Square Post Office, Lucknow.

.....Applicant

By Advocate : Sri S.K. Singh

Versus.

1. Union of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Postmaster General, U.P. Circle, Lucknow.
3. Sr. Superintendent of Post Offices, Lucknow Division, Lucknow.
4. Sri Rajeev Umrao, Asstt. Post Master General, O/o Chief Postmaster General, U.P., Lucknow.

.....Respondents.

By Advocate : Sri S.P. Singh

**ORDER (Oral)**

**By Justice Alok K Singh, Member-J**

This O.A. has been filed for the following relief(s):

- (a) *This Hon'ble Tribunal may kindly be pleased to direct the Opposite parties to declare the applicant passed and selected in the postman examination held on 24.9.2006 after holding the examination in paper no.2 & 3 before announcement of result for Postman examination held on 24.9.2006.*
- (b) *If the request at (a) above is not accepted by declaring the applicant as being passed the postman examination on the basis of proportionate and average marks in paper 1.*
- (c) *Any other relief deemed just and proper in the circumstances of the case alongwith the cost of O.A."*

*AS*

2. The case of the applicant is that she was appointed as GDS as ED Packer, Blunt Square Post Office, Lucknow vide order dated 6.7.1996. The respondents conducted departmental examination for Postman/village Postman on 10.9.2006/24.9.2006. The Roll number of the applicant was Lucknow-158. She was permitted to appear in paper 1 held at about 10.00 A.M. and after the paper was over, she deposited the answersheet with the Invigilator. After a gap of about half an hour when the second paper was to be started when the applicant entered the examination hall for appearing in the said paper, she was not permitted to appear on the pretext of non-attestation of her photo on admit card/hall permit. Similarly, she was also deprived from appearing in third paper. The personal allegations have also been made against respondent no.4 Sri Rajeev Umrao, Asstt. Post Master General that he is an Indian Postal Service Officer, who acted in an arbitrary and illegal manner and behaved like a dictator and nobody dared to say anything because there was no control over the activities of higher authorities.

3. The respondent nos. 1 to 3 have contested the O.A. by filing Counter Reply saying that the applicant was required to be present in examination hall 30 minutes before the commencement of examination on first day i.e. for 1st paper for the departmental examination. The paper-1 was to start at 10.00 A.M. but the applicant reached late by 05 minutes in the examination hall. She was supposed to put signature showing her appearance in paper I. But she did not pay any heed to the persistent requests of the Invigilator. She also did not sit upon her allotted seat with Roll number Lucknow -158 Block no. 55. Earlier, all the candidates including the applicant while issuing admit cards/hall permits were instructed to affix a passport size photograph for appearing in Departmental examination and it was to be attested by the issuing authority. But she was not having on her hall permit a passport size photograph duly attested. Since the applicant had failed to put her appearance in the examination in an authorized manner in paper I, she was not permitted to appear in paper 2 & 3. It has been further said that she was debarred from appearing in paper 2 & 3 on account of her indisciplined manner and activities for occupying a seat in the examination, un-authorizedly.

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4. Almost similar pleadings have been made in the Counter Reply filed separately by respondent no.4. Besides, he has also refuted the personal allegations made against him regarding alleged arrogance etc.

5. In the Rejoinder, pleadings contained in the O.A. have been reiterated and pleadings contained in both Counter Replies have been controverted.

6. We have heard the learned counsel for the parties at length and perused the material on record.

7. At the outset, it is worthwhile to mention that as has been apprised by the learned counsel for the parties that the result of the said departmental examination has already been declared and the persons, who were found successful, have already been promoted. It is true that there is an interim order of this Tribunal that it shall be subject to final outcome of this O.A.

8. From the aforesaid pleadings of the parties, it comes out that firstly though the applicant was required to be present in examination hall 30 minutes before the commencement of examination on first day i.e. for 1st paper for the departmental examination. The paper-1 was to start at 10.00 A.M. but the applicant reached late by 05 minutes to appear in departmental examination in paper-1. Not only that instead of sitting on her seat, she occupied another seat bearing Roll number Lucknow-258 Block no. 58. There is simple denial in the Rejoinder Reply of this pleadings. There is no specific denial that she did not sit on the wrong seat. There is also no positive assertion that she occupied the relevant seat of her own Roll number and Block number i.e. Roll number 158 Block no.55. Similarly, there is specific plea that her passport size photograph was not attested by the issuing authority. It has also not been specifically controverted. Merely, it has been said on behalf of the applicant that some other candidates who were also suffering from same lapse, were permitted to appear in the departmental examination. But their details have not been given. This plea has been specifically denied from the side of the respondents and the applicant did not bring on record any material to substantiate her pleadings that some others who were suffering from same lapse, were permitted to appear; whereas she was deprived from appearing in

subsequent paper numbers 2 & 3 on the ground of that very lapse. Similarly, it has been specifically pleaded in para 13 of Counter Reply of respondent no.4 and in para 16 of Counter Reply of respondent nos. 1 to 3 that the applicant was herself responsible for acting in such indisciplined manner by occupying a wrong seat in wrong block. More-over, it has also been specifically pleaded that the applicant did not sign on the relevant sheet to show her presence in token of having appeared in Ist paper. From the side of applicant there is merely general denial. It is a basic principle of adjudication that if plea is not specifically denied, it would be deemed to have been proved.

9. As far as the personal allegations against the respondent no.4 are concerned, firstly the same are of general nature that the respondent no.4 was habitual of acting like a dictator as he belongs to All India service i.e. Indian Postal Service. These allegations have been specifically denied by respondent no.4 in his separate Counter Reply. The respondent no.4 has further added that these allegations are misleading, vague and incorrect and he has no concern either direct or indirect with the applicant. In the Rejoinder, nothing substantial has been said by the applicant showing any material to prove that she had direct or indirect contact with respondent no.4. Not only this, the respondent no.4 further said that infact he was not even aware about the name of the applicant because there were so many employees who had appeared in the examination. Lastly, it has been said that he was performing the official duties, which have been vested in the administrative capacity and, therefore, the allegation regarding personal bias are meaningless unless anything is shown otherwise.

10. In view of the above, we are of the opinion that the applicant could not make out any case in her favour. She was not having her attested photograph on her admit card/ hall permit. More over, she not only came late in paper number-1, but also occupied a wrong seat in wrong block and did not sign the relevant papers at the relevant time or even subsequently in lieu of her appearing in the Ist paper despite several requests by the Invigilator. Therefore, she was debarred from appearing <sup>in AR</sup> subsequent two papers of departmental examination also on account of her indisciplined manner and activities.

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11. Finally, therefore, in view of the above, the applicant is not entitled to get any of the relief(s) claimed by her. O.A. is liable to be dismissed and is dismissed accordingly. No order as to costs.

S.P. Singh  
30.8.11

**(S.P. Singh)**  
**Member-A**

Alok Kumar Singh  
(Justice Alok K Singh) 30.8.11  
**Member-J**

Girish/-