

CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BENCH

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Friday the 19th day of May 2000 (19-5-2000)

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PRESENT

The Hon'ble Shri D.V.R.S.G.DATTA TREYLU, MEMBER (J)

and

The Hon'ble Shri S. MANICKAVASAGAN, MEMBER (A)

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O.A.No. 587 of 1992

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1. Akhil Shartiya Dak Karmachari Sangh
Postman-Group D and EDAS
Sultanpur Division, through its Divisional
Secretary, Triveni Prasad Panday
s/o Sri Swami Dayal Panday, aged
about 38 years, R/o Village and Post - Sahargarh
District-Sultanpur

2. Karuna Shankar Pandey .. Applicants

Vs.

1. Union of India, through Secretary
M/o ~~Communications~~ Telecommunications,
New Delhi

2. Chief Postmaster General
U.P. Circle, Lucknow

3. Sr. Superintendent of Posts
~~R/o~~ Faizabad

4. Superintendent of Posts, Sultanpur .. Respondents

Mr. S. Narayan .. Advocate for the applicants

Mr. Dr. Dinesh Chandra .. Advocate for the respondents

Order: Pronounced by the Hon'ble Shri J.V.R.S.C. JUDGE, RAJYULU
 MEMBER (J)

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The applicants in this OA pray for the relief of setting aside the examination conducted on 13.9.1992 for departmental as well outsiders and for a direction to hold a fresh examination.

2. According to the applicants they are recognised unions of ED Qs. The Superintendent of Post Offices, Sultanpur, notified to hold examinations at Faisabad. The candidates who wanted to appear in the examination were directed to appear at Faisabad. According to them, there should not be any discrimination between the candidates to appear for the examination. About 350 members of the applicant association were to appear. But 120 members boycotted the examination on the ground that the examinations have been conducted in an arbitrary way. It is their case that the candidates were not made known regarding the nature of syllabus and the other details of the examination. It is also their case that some were provided with full details, some were not provided the full details. It is further stated that the ~~xxx~~ examinations were not according to the circular dated 25.10.1992 (Annexure A-3). The applicant association gave a representation and also telegrams, but no action was taken. Hence this O.A.

3. In the counter filed, the department has denied the allegations and stated that the examination was conducted as per the rules. The full details were given as per the rules. The reply proceeds to state that unnecessary details will not be given in the admission card. It is stated that 294 candidates of Sultanpur division applied for appearing in the examination, out of which 248 candidates appeared in papers-A and B and in respect of Paper-C did not appear. 117 candidates appeared out of the 248 candidates, that there was no discrimination between the candidates of

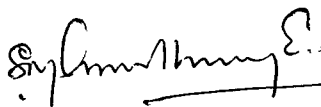
of Sultanpur and Faisalabad as alleged by the applicants. It is also stated that the examination was conducted fairly and the results of the examination were declared. Further the successful candidates have already joined in their posts. There are no merits in the OA and the OA deserves to be dismissed.

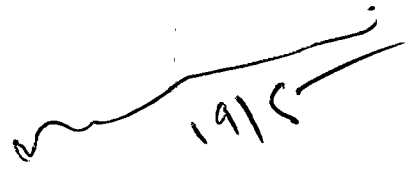
4. When this OA was taken up for final disposal on 16.5.2000 both sides were not represented. As this matter involves declaration of the result and this is of the year 1992 the Tribunal has considered the material available on record and pass the following orders.

5. It is the contention of the applicants association that the examination was not ^{conducted} ~~conducted~~ in accordance with the regulations and the rules. But we find that there is nothing on record to show that any particular rule is violated. As regards non-supply of the syllabus it is seen from the counter filed by the respondents that the candidates have been supplied the necessary material regarding the scope of the examination well in advance and no illegality is committed. Further the question as to how the papers are at variance when compared to the syllabus is not specially brought out in the OA or in any of the annexures filed by the applicant association. Further even if there is a small deviation, if any, it should not go to the extent of cancelling the examination. We further find that ^a number of candidates had appeared and the successful candidates were already given the assignment. Further this OA is of the year 1992 and 8 years have lapsed now. That apart, the matter as to what had happened to the applicants, in which position they are now, are all relevant facts and for which there is no material on record. We therefore hold that in a type of this case where the prospects of a number of candidates are involved, the results of the examination held cannot be set aside. If the results were to be set aside, it would be causing undue hardship to the candidates who had come out successful and taken up their assignments already. Even if there is any mistake (no mistake

^{is}
 (specifically pointed out) that will not cause any hindrance to the candidates who have been declared successful and taken up their appointment. Further equality will not permit the same. That apart, when once the applicants have participated in the examination and their subsequent boycotting of the examination will not give them the right to question the examination, especially when the stand of the respondents is that the examinations were conducted according to the syllabus and the rules.

6. In the light of the discussion above we hold that the OA is devoid of merit and is ~~dismissed~~ accordingly dismissed with no order as to costs.


 (S. MANICKAVASAGAM) 19.5.
 MEMBER (A)


 (D.V.R.S.G. DATTA TREYA)
 MEMBER (J)

19.5.2000

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