

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

O.A. No. 624 of 2005

Date of order : 26.02.2007

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

Hon'ble Shri S.N.P.N. Sinha, Member (A)

Amit Kumar, S/o Shri Banarsi Prasad, resident of Sarvodaya Nagar, P.O. Vishnupur, District – Begusarai.

....Applicant

By Advocate : J.K. Karn.

Vs.

1. The Union of India through the Secretary cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The A.P.M.G., (Vig.), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Asstt. Director (Staff & Recruitment), o/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Superintendent RMS 'NB' Division, Samastipur.

....Respondents

By Advocate : Shri M.D. Dwivedi.

O R D E R (Oral)

Sadhna Srivastava, M (J):-

By means of this OA the applicant has challenged the order dated 7.7.2005 whereby the candidature of the applicant for the post of Sorting Assistant (SA in short) h



been cancelled.

2. The facts, in brief, are that the respondents had called for nomination from the the Employment Exchange for recruitment to 17 vacant posts of SA (UR -6, OBC-4, SC – 4 & ST – 3). The applicant applied for the same and appeared in all the four stages of tests/examinations, i.e. Typing test, computer test, aptitude test and interview. In December, 2002, the result of the selection test was declared, but the applicant's result was withheld. The result of only 14 candidates were declared against the vacancies of 17 posts. On 6.11.2003, respondent No. 3 issued a letter to the applicant and directed him to appear before the Chief Post Master General on 18.11.2003 along with all his original certificates. The applicant as well as two other candidates, namely, Manoj Kumar and Upendra Prasad Singh appeared and their documents were verified from the originals. Thereafter, the applicant kept on waiting announcement of the result, but the same was not published. In the meanwhile, Manoj Kumar filed OA 409 of 2004 before this Tribunal

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seeking direction upon the respondents to declare the result. During the pendency of the aforesaid OA, the respondents have issued order dated 7.7.2005 whereby the candidature of all the three candidates, including the applicant were ~~cancel~~^b. The aforesaid order dated 7.7.2005 was under challenge before this Tribunal through OA 409 of 2004 [Manoj Kumar vs. U.O.I. & Ors] This Tribunal, after hearing the learned counsel for both the parties, had passed the following order;

" In view of the above discussions, the order dated 5.7.2005 rejecting the candidature of the applicant is quashed and set aside and the respondents are directed to consider the case of the applicant on the basis of result of the said examination. This exercise shall be completed within two months of the receipt of the order. In case he is selected, the applicant will be entitled to seniority from the day his juniors have been appointed and also his protection of pay vis-a-vis his junior. He will, however, not be given any arrears of salary."

3. We have heard learned counsel for the parties and perused the pleadings.



4. The controversy involved in this case has already been answered by this Tribunal in OA 409 of 04, decided on 2.6.06. We do not find any reason to disagree with the reasons recorded by this Tribunal in the aforesaid OA. The respondents have not assisted the Tribunal by filing reply. We do not know whether the respondents desire the Tribunal to remand the case in the light of the judgment passed in OA 409 of 04. It has been urged vehemently on behalf of the applicant that the case be remanded for consideration as has been done in OA 409 of 04 for the reasons stated therein.

5. On consideration of the facts of the case which are at par with the facts of the case in OA 409 of 04, it appears appropriate, particularly in absence of any reply on behalf of the respondents , to set aside the impugned order for the reasons as stated in the judgment of OA 409 of 04 and to consider the case of the applicant on the basis of the result of the said examination.

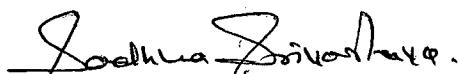
6. We, therefore, set aside the impugned order dated 7.7.2005, as contained in Annexure A/3, with direction



upon the respondents to consider the case of the applicant on the basis of the result of the said examination. This exercise shall be completed within two months of the receipt of copy of this order. In case the applicant is selected, he will be entitled to seniority from the day his juniors have been appointed and protection of his pay vis-a-vis his juniors. He will, however, not be given any arrears of salary.

7. With the aforesaid directions, this OA stands disposed of, with no order as to the costs.


[S.N.P.N. Sinha] M [A]


[Sadhna Srivastava] M [J]

/cbs/