

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 15-7-87

Application No. 203 /87(F)

W.P. No

Applicant

Shri G. Krishnappa

To

V/s The Sr Supdt of Post Offices
Kolar Divn. & another

1. Shri G. Krishnappa
ED Messenger
Chikkaballapura Sub-Post Office
Chikkaballapura
Kolar District
2. Smt. Shantha Challappa
Advocate
1/01, 6th Main
4th Cross, Wilson Garden
Bangalore - 560 025

3. The Senior Superintendent of
Post Offices
Kolar Division
Kolar - 563101
4. The Post Master General
Karnataka Circle
Bangalore - 560 001
5. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN
APPLICATION NO. 203/87(F)

Please find enclosed herewith the copy of the Order/~~Memorandum~~
passed by this Tribunal in the above said Application on 8-7-87.

Encl : as above.

Balu*

Hale
SECTION OFFICER
(JUDICIAL)

o/c
Res copy for pmg
ASL
DT Panel T-
16-7-87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE EIGHTH DAY OF JULY 1987

Present : Hon'ble Shri Justice K.S. Puttaswamy . Vice-Chairman
Hon'ble Shri I.H.A. Rego . Member (A)

APPLICATION NO. 203/87(F)

G. Krishnappa
E.D. Messenger
Chikkaballapur Division
M.G. Road,
Chikkaballapuram.

. Applicant

(Smt. Shantha Challappa. Advocate)

v.

Senior Superintendent of
Post Offices,
Kolar Division,
Kolar-563101.

Post Master General,
Bangalore Region,
Karnataka Circle.

. Respondents

(Shri M. Vasudeva Rao . Advocate)

This application has come up for hearing today
before this Tribunal. Hon'ble Vice-Chairman made the
following:-

O R D E R

In this application made under Section 19 of the
Administrative Tribunals Act, 1985 (the Act) the applicant
has challenged Memo No.B/17-1 dated 17.3.1987 (Annexure A)
issued by the Senior Superintendent of Post Office,
Kolar Division, Kolar (Superintendent).

2. At the material time, the applicant was working as
Extra Departmental Messenger (EDM) at Chickballapur Post
Office, Kolar District. For an examination to be held on
15.2.1987 the applicant applied inter-alia claiming that
he had joined service on 28.5.1970 and, therefore, he was



eligible to appear for the examination. Accepting the same, the authority permitted the applicant to appear for the examination. But, later, the authority found that his entry into service was 28.5.1979 and, therefore, he was ineligible to appear for the examination and on that ground the Superintendent had cancelled the earlier permission granted to the applicant. Hence, this application.

3. In justification of their action, the respondents have filed their reply and have also produced their records.

4. Smt. Shantha Challappa, learned counsel for the applicant contends that the applicant had correctly given his date of entry into service as 28.5.1979 and on that entry also he was eligible to appear for the examination and the respondents be directed to declare his results and make an appointment if he is found successful in the examination.

5. Shri M. Vasudeva Rao, learned Additional Central Govt. Standing Counsel appearing for the respondents contends that the applicant was allowed to appear for the examination only on the basis of his assertion that his date of entry into service was 28.5.1970 and not 28.5.1979 and since that is found to be erroneous the applicant was ineligible to appear for the examination, and therefore, this Tribunal cannot direct the respondents to declare the results at all.

6. We find from the records that the applicant had made two applications before the authority for the relevant examination. In one of the applications he had stated that his date of entry into service was 29.5.1970 but in other he had stated that it was 28.5.1979. Whatever be the inconsistency



in these two applications we find that on the basis of the entry into service was 28.5.1970 and the length of service computed on that basis namely 16 years 1 month and 3 days the authority had permitted the applicant to appear for the examination. But, later the authority found that the applicant's entry into service was 28.5.1979 and not 28.5.1970. Smt. Challappa does not dispute that the applicant's entry into service was 28.5.1979.

7. On the above it is clear that the assertion of the applicant that his entry into service was 28.5.1970 was clearly wrong. If that assertion was wrong and that was the basis on which the applicant was permitted to appear for the examination, then it necessarily follows from the same that the applicant was ineligible to appear for the examination as the law then stood. At the highest this is a case where the authority had rectified its own mistake that too committed at the instance of the applicant. If that is so, then it was undoubtedly open to that authority to rectify the mistake and cancel the earlier permission given to the applicant.

8. On the foregoing the challenge of the applicant cannot be upheld. Even otherwise, this is not a fit case in which this Tribunal should assist the applicant.





9. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case we direct the parties to bear their own costs.

Sd —

VICE CHAIRMAN

" 22/87
True copy"

bsv

Hales
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd —

MEMBER (A) 18-7-987