

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 406/93

Transfer Application No:

DATE OF DECISION: 13.7.1995

Ms. Alice Raphael
----- Petitioner

Shri V. Chandrasekaran
----- Advocate for the Petitioners

Versus

Union of India & Ors.
----- Respondent


Shri P.M.A. Nair.
----- Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member(J),

The Hon'ble Shri M.R. Kolhatkar, Member(A).

1. To be referred to the Reporter or not ? ☒
2. Whether it needs to be circulated to other Benches of the Tribunal ? ☒


(B.S. HEGDE)
MEMBER(J).

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

Original Application No.406/93.

Ms.Alice Raphael.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri B.S.Hegde, Member(J).
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri V.Chandrasekharan.
Respondents by Shri P.M.A.Nair.

Oral Judgment:-

(Per Shri B.S.Hegde, Member(J)) Dated: 13.7.1995.

The short point for consideration is whether the interview letter is required to be sent by Registered Post. The learned counsel for the applicant drew our attention to Section 27(b) of General Clause Act under which such letters are invariably should be sent by Registered Post. It is true that the respondents have sent the interview letter by Under Certificate of Posting to the address given by the applicant on 27.4.1988. Whereas, the applicant has sent a representation on 12.5.1988 stating that she had not heard anything from the respondents regarding the interview etc. and requested them to intimate the same. On a perusal of the representation we find that the representation is not signed by the applicant, but by her parents on her behalf.

2. The applicant challenged the non-calling for the interview by the respondents before the Madras Bench of the Tribunal, but the same was disposed of on the ground of want of jurisdiction. The applicant thereafter had filed a writ petition No.13053/92 despite disposal of the same by the Madras Bench of the Tribunal. The High Court while dismissing the same has stated that the

order of the Tribunal will not enable her to come to this Court under Article 226 of the Constitution of India. Thereafter, the applicant has filed this petition before us seeking a direction to the respondents to call her for interview and if she is selected the appointment be given accordingly.

3. So far as the facts are concerned there is no dispute regarding the conduct of the exam and the publication of the result and her number appeared in the list who have passed. Though the applicant raised a contention that the interview letter should be sent by Registered Post. It has not been disputed by the applicant that the letter sent by the respondents under certificate of posting has not been received. By the time she sent the representation she must have received the letter of interview. The fact that the representation has not been signed by her ^{should} indicate that she was not in station. Accordingly, the representation was signed by her parents. Therefore, such a plea is not open to the applicant to rebut the presumption that the interview letter has been received by her.

4. In the facts and circumstances of the case, we see no merit in the OA and accordingly the same is dismissed. No order as to costs.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

B.S. Hegde
(B.S. HEGDE)
MEMBER (J).

B.