

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NOS. 291/00008/2016,  
291/00009/2016, 291/00010/2016, 291/00011/2016,  
291/00016/2016, 291/00019/2016, 291/00030/2016**

**DATE OF ORDER:** 25.05.2016

**CORAM**

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER  
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

**(1) ORIGINAL APPLICATION NOS. 291/00008/2016**

1. Himmat Singh Yogi S/o Shri Durga Prasad Yogi, aged about 32 years, R/o VPO Rasgan, Via Khairthal, Tehsil Mundawar, District, Alwar.
2. Ishwar Singh S/o Shri Shish Pal, aged about 49 years, R/o Gokal Niwas, Bhirani Raste Ke Pass, VPO Sagra, Tehsil Bhadra, Distt. Hanumangarh.
3. Deepak Singh Yadav S/o Shri Sunder Lal Yadav, aged about 24 years, R/o VPO Karnikot, Tehsil Mundawar, Distt. Alwar.

(Applicant No. 1 to 3 are presently posted in Alwar Division)

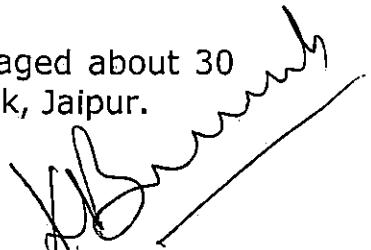
4. Mohan Lal Gate S/o Shri Rameshwar Gate, aged about 21 years, R/o VPO Jodhpura, Post Pragpura, Kotputli, Jaipur.
5. Ummed Singh S/o Shri Roop Chand, aged about 29 years, R/o VPO Ramoth, Tehsil Mundawar, Alwar.
6. Sharwan Ram Chahar S/o Shri Harla Ram, aged about 23 years, R/o VPO Khrda Kala, Post Gouindi, Tehsil Nawa, Distt. Nagaur.

(Applicant No. 4 to 6 are presently posted in Jaipur MFL Division)

7. Amit Kumar Sharma S/o Shri Shiv Kumar Sharma, aged about 22 years, R/o 5-New Colony, GT Road, Agra Bus Stand, Dholpur.
8. Gaurav Kumar Dattatray S/o Shri Yogendra Kumar Sharma, aged about 22 years, R/o VPO Sarsena, Tehsil Weir, Bharatpur.
9. Ravi Kumar Mittal S/o Shri Ramavtar Mittal, aged about 24 years, R/o Mittal Machinery Store, in front of Panchyat Samiti, Alwar Road, Nagar Bharatpur.

(Applicant No. 7 to 9 are presently posted in Dholpur Division, Dholpur).

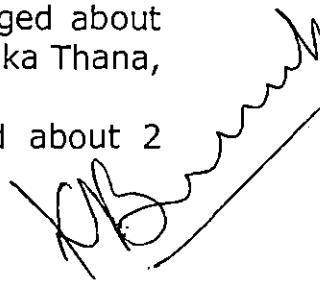
10. Pukhraj Meena S/o Shri Kishan Lal Meena, aged about 30 years, R/o 43, Lov Kush Nagar-I, Tonk Phatak, Jaipur.



11. Surendra Kumar Sharma S/o Shri Murari Lal Sharma, aged about 27 years, R/o 32/324, Sec. 3, Pratap Nagar, Sanganer, Jaipur.
12. Rajesh Meena S/o Shiv Lal Meena, aged about 31 years, R/o V&P Manoj, Tehsil Todabhim, Distt. Karauli.
13. Pankaj Kumar Yadav S/o Sunder Lal Yadav, aged about 21 years, R/o V&P Karnikot, Tehsil Mundawar, Distt. Alwar.
14. Amar Singh Meena S/o Hari Ram Meena, aged about 23 years, R/o Village Jutha Heera Khurd, Post Balahera, Tehsil Baswa, Distt. Dausa.
15. Ravindra S/o Shri Bheem Singh, aged about 27 years, R/o Ward No. 26, New Station Road, Fatehpur, Distt. Sikar.
16. Suresh Kumar Saini S/o Shri Bajrang Lal Saini, aged about 22 years, R/o Shri Balaji Building Material Lalsar Road, Bhandarez, Distt. Dausa.
17. Shubham Sharma S/o Shri Ram Swaroop Sharma, aged about 23 years, R/o F-28, Ram Nagar Extension, Swez Farm, Sodaia, Jaipur.
18. Pooja Goyal D/o Shri K.M. Goyal, aged about 22 years, R/o I-24, Ambedkar Nagar, Alwar.
19. Manish Choudhary S/o Shri Sube Singh, aged about 21 years, R/o Kotkasim Mohalla, Jatwara, Alwar.
20. Jaipal S/o Shri Dalip Singh, aged about 22 years, R/o V&P Kutubpur, Tehsil Hansi, Distt. Hissar (Haryana) – 125044.
21. Mukesh Kumar Meena S/o Shri Ramsi Lal Meena, aged about 25 years, R/o V&P Milaksaraya, Tehsil Nadoti, Distt. Karauli.
22. Chetan Prakash Meena S/o Shri Chouthu Ram Meena, aged about 21 years, R/o V&P Amarsar, Tehsil Shahpura, Distt. Jaipur.
23. Man Singh Meena S/o Shri Jagram Meena, aged about 22 years, R/o B-148, Mahesh Nagar, Jaipur.
24. Satyendar Meena S/o Shri Rajeev Lal Meena, aged about 23 years, R/o 67, Arivali Vill, Jagatpura, Jaipur.
25. Manisha Yadav W/o Jagdeep Yadav, aged about 27 years, R/o Vill. Saidpur, Tehsil Ateli, Distt. Mohindergarh (Haryana).
26. Manju Kumari W/o Satender Kumar, aged about 27 years, R/o Vill. Saidpur, Tehsil Ateli, Distt. Mohindergarh (Haryana).
27. Rotash Sahu S/o Shri Babu Lal Sahu, aged about 30 years, R/o A-7, Saini Nagar, Joshi Marg, Kalwar Road, Jhethwara, Jaipur.
28. Pradeep Kumar S/o Shri Jagmal Singh Yadav, aged about 44 years, R/o Village Udairamsar, Distt. Bikaner.

(Applicant No. 10 to 28 is presently posted in Ajmer Division, Ajmer).

29. Anil Kumar S/o Shri Kailash Chandra, aged about 23 years, R/o Dhinwa Ki Dhani, Todpura, Jhunjhunu.
30. Jitendra Kumar Barwar S/o Sh. Madan Lal Barwar, aged about 26 years, R/o Surya Nagar, Sikar.
31. Dharam Pal Verma S/o Bhaigrath Mal Verma, aged about 27 years, R/o Vill. Chhapar, PO Pritampuri, Neemka Thana, Sikar.
32. Vikas Kumar S/o Shri Subhash Chandra, aged about 2 years, R/o VPO Sigra Mandawa, Jhunjhunu.

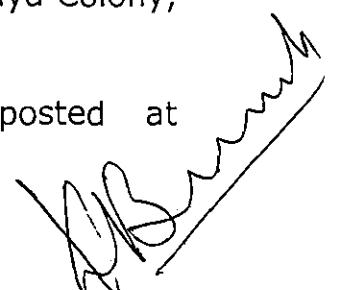


33. Deepak Kumar S/o Shri Rajendra Singh, aged about 22 years, R/o Jiwan Niwas, Dhadhot Kalan, Buhana, Jhunjhunu.
34. Sushila Kumari D/o Shri Rajendra Singh, aged about 24 years, R/o Jiwan Niwas, Dhadhot Kalan, Buhana, Jhunjhunu.
35. Alkesh Kumar S/o Sheesh Ram, aged about 25 years, R/o Vill. Jatganawada, PO Jekhrana, Behror, Alwar.
36. Usha W/o Suresh Kumar, aged about 27 years, R/o Vill Kheri Bura, Charkhi Dadri, Distt. Bhiwani (Haryana).
37. Vikram Singh S/o Shri Ram Swaroop Gurjar, aged about 23 years, R/o VPO Dalpatpura, Tehsil Neemka Thana, Sikar.
38. Anjana Saini D/o Chhagan Lal Saini, aged about 29 years, R/o JP Colony, Ringus Road, Chomu.
39. Jugal Kishor S/o Shri Manak Chand, aged about 30 years, R/o Bhakar Wadi, Ram Garh, Sikar.
40. Rohit Agroia S/o Shri Ramji Lal Agroia, aged about 26 years, R/o Nai Abadi, Sec-7, Hanumangarh Town.
41. Shakuntala Meena D/o Sh. Kajormal Meena, R/o VPO Papad, Jamwaramgarh, Jaipur.
42. Mahipal S/o Shri Ramswoop Jangir, aged about 38 years, R/o Vill. MOi Bharu Post Moi Purani, Distt. Jhunjhunu..

(Applicant No. 29 to 42 are presently posted at Jhunjhunu Division, Jhunjhunu).

43. Vinod Kumar Dhawan S/o Shri Mohanlal Dhawan, aged about 26 years, R/o Vill. Gulana Ki Dhani, Post Gulana, Tehsil Baswa, Distt. Dausa.
44. Umer Singh Kumhar S/o Shri Suresh Chand Kumhar, aged about 25 years, R/o Vill. Ganwadi, Post Mohanpura, Tehsil Todabhim, Distt. Karauli.
45. Rakesh Kumar Sharma S/o Shri Prem Shankar Sharma, aged about 28 years, R/o Shivpuri New Colony, Near Nav Durga Mandir, Bonli, Sawaimadhopur.
46. Vishal Jajoriya S/o Shri Bhanwar Lal, aged about 23 years, R/o 120A, Sri Kalyan Nagar, Kartarpura, Jaipur.
47. Jai Prakash Mali S/o Shri Jai Lal Mali, aged about 25 years, R/o V&P Barkheda, Gadka Ki Chouki, Kailadevi Road, Karauli.
48. Manoj Kumar S/o Shri Bir Singh, aged about 28 years, R/o Vill. Zahidpur, Post Burthala, Tehsil Kosli, Rewari - 123302.
49. Ramanand Yadav S/o Shri Dalip Singh, aged about 30 years, R/o Karli Ki Dhani, Ganj, Post Kishangarh Bass, Tehsil Kishangarh Bass, Distt. Alwar.
50. Uma Shankar Sharma S/o Sh. Umesh Chand Sharma, aged about 24 years, R/o Vill. Pakhar, Tehsil Mahwa, Distt. Dausa.
51. Surendra Kumar Jain S/o Shri Naresh Jain, aged about 24 years, R/o Behind Water Post, Vardhman Nagar, Hindaun City, Distt. Karauli.
52. Himanshu Joshi S/o Shri Mahesh Chand Sharma, aged about 23 years, R/o 113, Near Water Tank, Nasiya Colony, Gangapurcity.

(Applicant No. 43 to 52 is presently posted at Sawaimadhopur Division, Sawaimadhopur).



53. Amar Pal Yadav S/o Shri Babulal Yadav, aged about 25 years, R/o Vil. Rodwal, Tehsil Neem Rana, Distt. Alwar.
54. Rakesh Kumar Yadav S/o Sh. Hanuman Sahay, aged 25 years, R/o Vill Futala, Post Mundru, Tehsil Srimadhopur, Distt. Sikar.
55. Om Prakash Yadav S/o Shri Shimbhu Dayal Yadav, aged about 21 years, R/o Dhani Punchalawali, Tehsil Neemka Thana, Sikar.
56. Bhinwa Ram Khokhar S/o Shri Bhanwar Lal, aged about 24 years, R/o Vill Motipura, BO Roopgarh, Via Kochar, Sikar.
57. Rajesh Kumar Jangir S/o Shri Vidhyadhar, aged about 23 years, R/o Vill. Nabipura, Via Beswa, Tehsil Fathepur Shakwati, Sikar.
58. Banwari Lal S/o Shri Mukana Ram, aged about 49 years, R/o Vill Bass Dhakan, Post Lohasna Chhota, Tehsil Churu, Distt. Sikar.

(Applicant No. 53 to 58 is presently posted at Sikar Division, Sikar).

59. Govind Singh Chauhan S/o Shri Omveer Singh Chauhan, aged about 23 years, R/o V&P Samuchi, Tehsil Kathumar, Distt. Alwar.
60. Ankit Kumar Jain S/o Shri Vinod Kumar Jain, aged about 22 years, R/o J/R-77, Dilip Colony, Ramgarh Road, Mahwa, Dausa.
61. Upendra Kumar Garg S/o Shri Trilok Garg, aged about 25 years, R/o Manak Chowk Uchain, Bharatpur.
62. Manisha Bansal D/o Shri Murari Bansal, aged about 26 years, R/o Bansal Gift & Mobile Point, Arya Samaj Road, Near PNB, Bayana, Bharatpur.

(Applicant No. 59 to 62 is presently posted at Bharatpur Division, Bharatpur).

63. Babu Lal Dhakarwal S/o Sh. Roopa Ram Dhakarwal, aged about 25 years, R/o Vill. Kabro Ka Bass, Post Badhal, Tehsil Phulera, Distt. Jaipur.
64. Siddarth Yadav S/o Shri Rajendra Kumar Yadav, aged about 22 years, R/o A-35, Kumawat Colony, Jhethwara, Jaipur.
65. Avinash Choudhary S/o Shri Deepa Ram Choudhary R/o Ward No. 6, Kothi Kaji Wali, Near SP College, Sri Madhopur, Sikar.
66. Pradeep Kumawat S/o Shri Om Prakash Kumawat, aged about 23 years, R/o Plot No. 10, Durga Colony, Delhi Road, Alwar.
67. Ashish Agarwal S/o Shri Sugan Chand Agarwal, aged about 24 years, R/o V&P Dahmi Kalan, Via Bagru, Jaipur.
68. Sudhanshu Nagpal S/o Shri Umesh Nagpal, aged about 34 years, R/o 34, Shivpuri Schem, Sodala, Jaipur.
69. Rajendra Kumar Meena S/o Shri Ram Dhan Meena, aged about 33 years, R/o Mewalo Ki Dhani Saiwar, Via CRPF Lalwas, Jaipur.
70. Manisha Sharma W/o Sh. Jitendra Kumar, aged about 27 years, R/o Ward No. 1, Khattwada Mohalla, Khairthal, Distt. Alwar.
71. Neha Sharma D/o Mahendra Kumar Sharma, aged about 23 years, R/o 2/563, Kala Kuwa Housing Board, Alwar.

72. Sanjay Kumar S/o Shri Shiv Kumar, aged about 25 years, R/o VPO Dewas, Tehsil Fatehpur Distt. Sikar.
73. Ravindra Kumar Vyas S/o Shri Arun Kumar Vyas, aged about 27 years, R/o Ward No. 5, Near Bar Ke Balaji Temple, Tehsil Laxmangahr, Distt. Sikar.

(Applicant No. 63 to 73 is presently posted at Jaipur City Division, Jaipur).

74. Pawan Kumar S/o Shri Ved Prakash, aged about 27 years, R/o VPO Bhungarka, Tehsil Narnaul, Distt. Mohindergarh (Haryana).
75. Yogesh Kumar Meena S/o Shri Jagdish Prasad Meena, aged about 24 years, R/o VPO Khan Bhankri, Tehsil & Distt. Dausa.
76. Jaiveer Yadav S/o Shri Prithivi Raj Yadav, aged about 34 years, R/o VPO Bilaheri, Tehsil Kotkasim, Distt. Alwar.
77. Sunil Kumar Singh S/o Shri Ram Dhyan Singh, aged about 44 years, R/o C/S-19, New Jawahar Nagar, Kota.

(Applicant No. 74 to 77 is presently posted at Kota Division, Kota).

78. Akash Saini S/o Sh. Puran Chand Saini, aged about 26 years, R/o HN 22, Sitarampuri Colony, Golimar Sadan, Amer Road, Jaipur.
79. Vivek Singh S/o Nahar Singh, aged about 24 years, R/o HN 320, VPO Badakhara, Tehsil Indergarh, Distt. Bundi.
80. Tulsi Ram Yadav S/o Sh. Ram Ratan Yadav, aged about 23 years, R/o 47, Panchwati Colony, Near Choudhary Petrol Pump, Tonk Road, Sanganer, Jaipur.
81. Reena Yadav W/o Bhagirath Yadav, aged about 22 years, R/o VPO Santo, Tehsil Behror, Alwar.
82. Sanjeet Kumar S/o Shri Ram Singh, aged about 27 years, R/o Vill. Gulavala, Post Udina, Tehsil & Distt. Mahendragarh (Haryana).
83. Adhiraj Singh Rathore S/o Girdhar Singh Rathore, aged about 25 years, R/o 11-B, Brahmpuri Colony, Opp. GPO, Sawaimadhopur Road, Tonk.

(Applicant No. 78 to 83 is presently posted at Tonk Division, Tonk).

84. Pankaj Kokcha S/o Shri Ramesh Kokcha, aged about 32 years, R/o Behind Power House, Ward No. 22, Chirawa, Jhunjhunu.
85. Lokendra Yadav S/o Shri Parikshi Yadav, aged about 27 years, R/o VPO, Ward No. 28, Bas Kripal Nagar, Tehsil Kishangarh Bass, Distt. Alwar.
86. Sunny Khairiya S/o Shri Ram Kishore Khairiya, aged about 25 years R/o VPO Jatka, Tehsil Kishangarh Bas, Distt. Alwar.
87. Sanjay Gurjar S/o Shri Manohar Lal, aged about 21 years, R/o Vill. Bajhot, Tehsil Kishangarh Bass, Distt. Alwar.
88. Karan Singh S/o Shri Hargyan, aged about 21 years, R/o VPO Tarwala, Tehsil Kishangarh Bass, Distt. Alwar.
89. Manish Kumar Meena S/o Shri Hemraj, aged about 23 years, R/o VPO Indawa, Tehsil Lalsot, Distt. Dausa.

90. Amit Kumar S/o Shri Shreedhar, aged about 24 years, R/o Vill. Sabla, Post Sonkh, Distt. Mathura.
91. Mahendra Prajapat S/o Shri Ram Minwas, aged about 23 years R/o VPO Sunthara, Tehsil Uniara, Distt. Tonk.
92. Saula Ram S/o Shri Bansilal, aged about 27 years, R/o Raigaro Ka Bass, Sanchore, Distt. Jalore.
93. Dinesh Kumar Machra S/o Shri Ishwar Ram, aged about 24 years, R/o VPO Amarsar, Tehsil Bidasar, Churu.
94. Devender Yadav S/o Shri Lal Chand Yadav, aged about 25 years, R/o Vill. Gandinagar, Tehsil Mundawar, Distt. Alwar.
95. Babu Lal Meena S/o Sh. Surya Narayan Meena, aged about 22 years R/o Vill. Kanarpura, Via Kaladera, Chomu, Jaipur.
96. Subhash Chand Gurjar S/o Shri Suga Ram Gurjar, aged about 22 years, R/o Rawta Ki Dhani Tan Bada Gaon, Tehsil Bansoor, Distt. Alwar.
97. Amit Raman S/o Shri Rajendra Kumar, aged about 22 years, R/o Ramdev Colony, Ward No. 34, Balotra, Distt. Barmer.
98. Arun Kumar Kumawat S/o Shri Uma Shankar Chejara, aged about 31 years, R/o Lal Singh Colony, Radha Krishna Pura, Ward No. 40, Sikar.
99. Simran Bairwa D/o Sh. Gulab Chand Biarwa, aged about 23 years, R/o 49, Ayodhya Nagar, Triveni Nagar, Gopalpura Byepass, Jaipur.
100. Om Prakash Saini S/o Shri Bhoma Ram Saini, aged about 40 years R/o Bajiwali Dhani, VPO Bada Gaon, Distt. Jhunjhunu.

(Applicant No. 84 to 100 is presently posted in Jaipur MFL Division, Jaipur).

101. Vikas Sabal S/o Shri Hanuman Sahay, aged about 25 years, R/o 970, Shastri Nagar, Durgapura Railway Station, Jaipur.

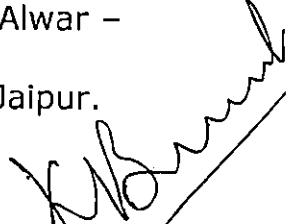
(Applicant No. 101 is presently posted in Bharatpur Division, Bharatpur).

....Applicants

Mr. Virendra Lodha, Senior Advocate, assisted by  
Mr. Tarpit Patni, counsel for applicants.

## VERSUS

1. Union of India through its Secretary, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, Sansad Marg, New Delhi – 110001.
2. Director (VP & DE), Ministry of Communication & Information Technology, Dak Bhawan, Sansad Marg, New Delhi – 110001.
3. Chief Post Master General, Rajasthan Circle, Jaipur, Sardar Patel Marg, Jaipur – 302007.
4. Senior Superintendent of Post Office, Alwar Division, Alwar – 301002.
5. Superintendent of Post Office, Jaipur (MFL), Division, Jaipur.



6. Superintendent of Post Office, Dholpur Division, Dholpur - 328001.
7. Senior Superintendent of Post Office, Ajmer Division, Ajmer - 305001.
8. Assistant Director Postal Services, Office of Post Master General, Rajasthan Southern Region, Ajmer - 305001.
9. Superintendent of Post Office, Jhunjhunu Division, Jhunjhunu.
10. Superintendent of Post Office, Sawaimadhopur Division, Sawaimadhopur.
11. Superintendent of Post Office, Sikar Division, Sikar.
12. Superintendent of Post Office, Bharatpur Division, Bharatpur.
13. Sr. Superintendent of Post Office, Jaipur City Division, Jaipur.
14. Sr. Superintendent of Post Office, Kota Division, Kota - 324001.
15. Superintendent of Post Office, Tonk Division, Tonk - 304001.

....Respondents

Mr. R.D. Rastogi Additional Solicitor General assisted by Mr. Rajendra Vaish, CGSC, counsel for respondents.

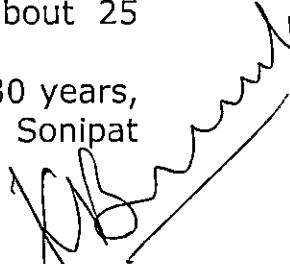
## **(2) ORIGINAL APPLICATION NOS. 291/00009/2016**

1. Mohit Singh S/o Shri Bijendra Singh, aged about 27 years, R/o 425, Beldaron Ka Rasta, Subhash Chowk, Jaipur.
2. Ravi Kant Sharma S/o Shri Harish Nariyan Sharma, aged about 26 years, R/o VPO Bas Kaipal Nagar, Tehsil KJishangarh Bass, Alwar.
3. Jitender Verma S/o Mohan Lal Verma, aged about 30 years, R/o 2KA 104, Shivaji Park, Alwar.
4. Kamal Singh S/o Shri Sube Singh, aged about 26 years, R/o Village Hazipur, Post Dharsoon, Tehsil Narnaul, Distt. Mahendragarh.
5. Susheel Kumar S/o Shri Har Nar Narayan, aged about 24 years, R/o VPO Ladunda, Tehsil Surajgarh, Jhunjhunu.
6. Atul Kumar Arora S/o Shri Ramesh Chand Arora, aged about 24 years, R/o 11, Lajpat Nagar, Scheme No. 2, Near Rajasthan Gramin Bank, Alwar.
7. Hitesh Mudgal S/o Shri Suresh Mudgal, aged about 28 years, R/o 2KA101, Shivaji Park, Alwar.
8. Sonu Kumar S/o Shri Suresh Kumar Yadav, aged about 22 years, R/o Village Molawas, Post Jalawas, Tehsil Mundawar, Distt. Alwar.
9. Lalit Kumar Prajapati S/o Shri Mishri Lal Prajapati, aged about 26 years, R/o A.A.V.M. School, Ram Nagar Colony, Ward No. 6, Bandikui.
10. Kuldeep S/o Shri Ravi Kumar, aged about 23 years, R/o VPO Bawana, Tehsil & District Mahendragarh.
11. Jitendra Kumar Meena S/o Shri Malla Ram Meena, aged about 26 years, R/o VP Kunjela, Tehsil Nadoti, Karauli.
12. Rekha Ram Meena S/o Shri Ram Kishor Meena, aged about 24 years, R/o Village Kanchanpura, Post Baijupara, Via Biwai, Dausa.
13. Piyush Gupta S/o Shri Girdhari Lal Gupta, aged about 26 years, R/o 41, Bhagirath Nagar, Near Arjun Nagar Pathak, Jaipur.

14. Deepak Kumar Goyal S/o Shri Narendra Kumar Goyal, aged about 26 years, R/o VPO Kodyai Laxmi Narain Mandir Ke Pass, Tehsil Bonli, Distt. Sawai Madhopur.
15. Shri Dharmendra Pareek S/o Shri Gajendra Pareek, aged about 23 years, R/o A-14, Vivekanand Colony, Jhethwara, Jaipur.
16. Naveen Singh S/o Shri Gulab Singh, aged about 24 years, R/o VPO Kotkasim, Tehsil Kotkasim, Alwar.
17. Rajeev Yadav S/o Shri Jagdev Singh Yadav, aged about 23 years, R/o Village Bighana, Post Gandala, Tehsil Behror, Alwar.
18. Khagesh Kumar S/o Shri Sumer Singh, aged about 21 years, R/o Village Deolawas, Post Deolawas, Tehsil Buhana, Jhunjhunu.
19. Neelam Sharma D/o Shri Dharampal Sharma, aged about 26 years, R/o B-38, Vishnu Vihar, Jagatpura, Jaipur.
20. Sitaram Verma S/o Shri Lal Chand Verma, aged about 26 years, R/o 132, Kalyan Kunj Colony, Jhethwara, Jaipur.
21. Jitendra Udainia S/o Shri Gopal Lal Raigar, aged about 27 years, R/o Harmada, Behind Govt. Sr. Secondary School, Sikar Road, Jaipur.
22. Dinesh Kumar Gurjar S/o Shri Babu Lal Gurjar, aged about 22 years, R/o Rani Ka Bas, Peechupara Kalan, Baswa, Dausa.
23. Mahesh Chandra Gurjar S/o Shri Vijay Singh Gurjar, aged about 26 years, R/o Village Golia, PO Brahmin Bairada, Sikri, Dausa.
24. Rohit Kumar Meena S/o Shri Gyan Singh Meena, aged about 23 years, R/o VPO Iraniya, Tehsil Hindancity, Karuali.
25. Lalit Kumar Laskar S/o Shri Birendra Laskar, aged about 38 years, R/o A-65, Kumawat Colony, Jhethwara, Jaipur.
26. Mahendra Singh Tomar S/o Shri Bajrang Singh, aged about 37 years, R/o 63-B, Shiv Vihar Colony, Khatipura, Jaipur.
27. Deepak Sharma S/o Shri Shyam Sunder Sharma, aged about 22 years, R/o 558, Parwatpuri, Behind Golimar Garden, Amer Road, Jaipur.
28. Rakesh Kumar S/o Shri Hari Singh Yadav, aged about 29 years, R/o VP Maharajawas, Tehsil Behror, Alwar.

(Applicant No. 1 to 28 are presently posted in Jaipur Division, Jaipur)

29. Maneesh Kumar Gupta S/o Shri Ram Babu Gupta, aged about 25 years, R/o New Friends Colony, Jaipur Road, Alwar.
30. Ajit Yadav S/o Shri Veer Singh Yadav, aged about 21 years, R/o VPO Luhadera (Birampur), Tehsil Tijara, Distt. Alwar.
31. Ratan Lal Gurjar S/o Shri Bhagirath Prasad, aged about 23 years, Village Malawali, Post Bhudoli, Tehsil Neemka Thana, Sikar.
32. Neha Gupta D/o Shri Babu Lal Gupta, aged about 25 years, R/o B-54, Budh Vihar, Alwar.
33. Harish Narwal S/o Shri Shri Krishna, aged about 30 years, R/o VPO Gharwal, Tehsil Gohana, Distt. Sonipat (Haryana).



34. Hari Om Meena S/o Ram Khilari Meena, aged about 21 years, R/o Village Hingi Post Hingwa, Tehsil Sikrai, Distt. Dausa.
35. Hemant Kumar S/o Kishan Lal, aged about 30 years, R/o HN 1096/36, Behind Mridiung Cinema, Jadugar, Ajmer.
36. Anupam Balloda S/o Shri Suresh Kumar, aged about 27 years, R/o New Choudhary Automobiles, Near Peeru Singh Circle, Station Road, Jhunjhunu.
37. Suman Rajawat D/o Shri M.S. Rajawat, aged about 28 years, R/o 68, Arpit Nagar, Gandhipath, Vaishali Nagar, Jaipur.

(Applicant No. 29 to 37 are presently posted at 'J' Division, Ajmer).

....Applicants

Mr. Virendra Lodha, Senior Advocate, assisted by  
Mr. Tarpit Patni, counsel for applicants.

#### VERSUS

- (1) Union of India through its Secretary, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, Sansad Marg, New Delhi – 110001.
- (2) Director (VP & DE), Ministry of Communication & Information Technology, Dak Bhawan, Sansad Marg, New Delhi – 110001.
- (3) Chief Post Master General, Rajasthan Circle, Jaipur Sardar Patel Marg, Jaipur – 302007.
- (4) Senior Superintendent of RMS, Department of Post, Jaipur Division, Jaipur.
- (5) Superintendent of RMS, Department of Post, 'J' Division, Ajmer – 302001.

....Respondents

Mr. R.D. Rastogi Additional Solicitor General assisted by  
Mr. Rajendra Vaish, CGSC, counsel for respondents.

#### **(3) ORIGINAL APPLICATION NOS. 291/00010/2016**

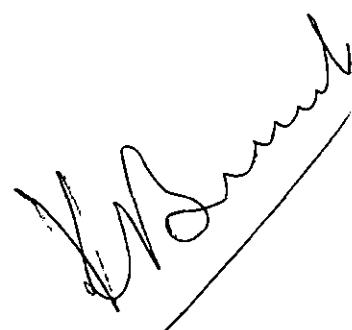
Narendra Mirchandani, aged about 26 years S/o Shri Jagdish Mirchandani R/o 61/89, Rajat Path, Mansarovar, Jaipur.

(Presently posted in Jaipur MFL Division Jaipur)

....Applicant

Mr. Virendra Lodha, Senior Advocate, assisted by  
Mr. Tarpit Patni, counsel for applicant.

#### VERSUS



- (1) Union of India through its Secretary, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, Sansad Marg, New Delhi – 110001.
- (2) Director (VP & DE), Ministry of Communication & Information Technology, Dak Bhawan, Sansad Marg, New Delhi – 110001.
- (3) Chief Post Master General, Rajasthan Circle, Jaipur, Sardar Patel Marg, Jaipur – 302007.
- (4) Superintendent of Post Office, Jaipur (MFL), Division, Jaipur.

....Respondents

Mr. R.D. Rastogi Additional Solicitor General assisted by Mr. Rajendra Vaish, CGSC, counsel for respondents.

#### **(4) ORIGINAL APPLICATION NOS. 291/00011/2016**

1. Deepak Sharma S/o Shri Satish Chand Sharma, aged about 25 years, R/o Plot No. 90m Begry Bagar behind Mungaska, Alwar.
2. Brijesh Kumar Tiwari S/o Shri Mahesh Chand Sharma, aged about 26 years, R/o VPO Garoo, Tehsil Kathumar, Dist. Alwar.
3. Pinkey Yadav D/o Shri Kailash Chand Yadav, aged about 25 years, R/o Village Pragpura, Tehsil Kotputli, Distt. Alwar.
4. Jaideep Yadav S/o Shri Rameshwar Dayal Yadav, aged about 27 years, R/o Village Mau, Post Chandpr, Tehsil Mundawar, Distt. Alwar.
5. Govind Sahai Yadav S/o Shri Ramavtar Yadav, aged about 24 years, R/o Village Nayagave, Post Pada, Tehsil Reni, Distt. Alwar.
6. Rekha Choudhary D/o Shri Mahendra Singh Choudhary, aged about 29 years, R/o 399, South West Block, Alwar.
7. Vijay Singh Meena S/o Shri Omkar Prasad Meena, aged about 25 years, R/o Village Firojpur, Post Bhali, Tehsil Rajgarh, Distt. Alwar.
8. Sandeep Kumar Yadav S/o Shri Ram Prasad Yadav, aged about 26 years, R/o Sorwa, Post Nangal Kharia, Tehsil Behror, Distt. Alwar.
9. Himanshu Fauzdar S/o Shri Rajveer Singh, aged about 25 years, R/o Village Piraka, Post Khakhawali, Tehsil Nagar, Distt. Bharatpur.
10. Monu Yadav S/o Shri Ramniwas, aged about 25 years, R/o H.No. 3A/67, NIT, Faridabad, Tehsil & Distt. Faridabad.
11. Arun Kumar S/o Shri Suresh Chand, aged about 23 years, R/o Village & Post Ghiloth, Tehsil Neemrana, Distt. Alwar.
12. Chandresh Kumar Sharma S/o Shri Shiv Kumar Sharma, aged about 25 years, R/o Village & Post Harsauli, Tehsil Kotkasim, Distt. Alwar.
13. Ashish Kumar Sharma S/o Shri Bhagwan Sahay Sharma, aged about 23 years, R/o Kathumbar Road, Advocate Colony, Lachhmangarh, Distt. Alwar.

14. Jai Singh S/o Shri Chet Ram, aged about 26 years, R/o Village Baheri Kalan, Tehsil Kotkasim, Distt. Alwar.
15. Pradeep Gothwal S/o Shri Inderraj Singh Gothwal, aged about 30 years, R/o Gothwal Bhawan, Shanti Nagar, Basara Road, Kishangarh Bas, Distt. Alwar.
16. Sachin Kumar S/o Shri Hari Singh aged about 28 years, R/o Harsauli, Tehsil Kotkasim, Distt. Alwar.
17. Ravi Kumar S/o Shri Rohitasav Kumar Jat, aged about 30 years, R/o Village & Post Harsauli, Tehsil Kotkasim, Distt. Alwar.
18. Narendra Kumar Saini S/o Shri Ram Phool, aged about 25 years, R/o Village & Post Mampur, Tehsil Sikrai, Distt. Dausa.
19. Vikram Singh S/o Shri Ishwar Singh, aged about 25 years, R/o Village Rampura, Post Kanti, Tehsil Ateli, Distt. Mohinder Garh (Haryana).
20. Ramji Lal Meena S/o Shri Kishan Lal Meena, aged about 29 years, R/o Pitliya Sangam Colony, Swai Gatore Jagatpura, Jaipur.
21. Buddhi Prakash Meena S/o Shri Chhotu Lal Meena, aged about 23 years, R/o Surajpura Ghati near Airort Terminal-2, Malviya Nagar, Jaipur.
22. Gulab Meena S/o Chhotu Lal Meena, aged about 28 years, R/o E-10, Surajpura Ghati near Airport Terminal-2, Malviya Nagar, Jaipur.
23. Alok Meena S/o Shri Prabhat Meena, aged about 20 years, R/o Luniyawas, Goner Road, Jaipur.
24. Praveen S/o Shri Dharam Veer aged about 22 years, R/o Village & Post Nangal Sirohi, Dstt. Mohindragarh, Haryana.
25. Pooja Bai Yadav W/o Shri Naveen Kumar, aged about 22 years, R/o Village Saidpur, Post Ateli, TEhsil Narnaul, Distt. Mhoniidergarh, Haryana.
26. Kanta Yadav D/o Shri Ramawatar Yadav, aged about 22 years, R/o Village Palwa, Tehsil Rajgarh, Distt. Alwar.

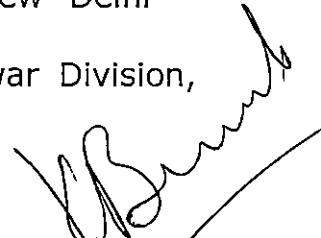
All the applicants are working on the post of Postal Assistant. Applicant No. 1 to 3, 5 to 12, 14 to 17, 19, 26 are working in Alwar Division and Applicant No. 4,5, 20, 22, 23 in Jaipur Division and Applicant No. 13, 18 in Jaipur (MLF) Div. and applicant No. 21, 24, 25 in Ajmer Div.

....Applicants

Mr. Sanjeev Prakash Sharma, Senior Advocate assisted by  
Mr. Ankit Sethi, counsel for applicants.

VERSUS

- (1) Union of India through the Secretary, Ministry of Communication & Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi - 110001.
- (2) Senior Superintendent of Post Offices, Alwar Division, Alwar.



- (3) Senior Superintendent of Post Offices, Ajmer Division, Ajmer.
- (4) Senior Superintendent of Post Offices, Bharatpur Division, Bharatpur.
- (5) Senior Superintendent of Post Offices, Jaipur City Division, Jaipur.
- (6) Senior Superintendent of Post Offices, Jaipur Rural Division, Jaipur Rural.

....Respondents

Mr. R.D. Rastogi Additional Solicitor General assisted by Mr. Rajendra Vaish, CGSC, counsel for respondents.

#### **(5) ORIGINAL APPLICATION NOS. 291/00016/2016**

Dependra Singh S/o Shri Shankar Singh, aged about 25 years, R/o Village Pathraj Kalan, Post Bhanwta, Tehsil Todaraisingh, District Tonk (Rajasthan).

....Applicant

Mr. R.D. Meena, counsel for applicants.

#### VERSUS

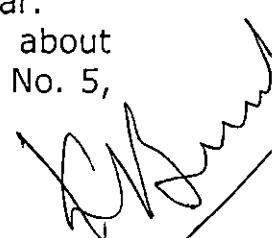
- (1) Union of India through Secretary, Ministry of Communications and Information Technology, Department of Posts (Recruit Division) Dak Bhawan, Sansad Marg, New Delhi – 110001.
- (2) Chief Postmaster General, Rajasthan Circle, Jaipur-302007.
- (3) Assistant Director (Recruitment) Office of Chief Postmaster General, Rajasthan Circle, Jaipur – 302007.
- (4) Superintendent of Post Office, Beawar Division, Beawar – 305901.

....Respondents

Mr. R.D. Rastogi Additional Solicitor General assisted by Mr. Rajendra Vaish, CGSC, counsel for respondents.

#### **(6) ORIGINAL APPLICATION NOS. 291/00019/2016**

1. Savan Kumar Sharma S/o Gauri Shankar Sharma, aged about 23 years, R/o Village Post Dhudhaly, Tehsil Bassi District Jaipur.
2. Sunil Kumar S/o Shri Nemi Chand, aged about 25 years, b/c Aheer R/o VPO Gadoj, Tehsil Behror, District Alwar.
3. Sandeep Kumar Dhalia S/o Shri Daulat Ram, aged about 25 years, caste Jeengar R/o House No. 281, Street No. 5, Indira Colony, Sri Ganga Ngar.



4. Aneesh Garg S/o Shri Mangtu Ram Gupta, aged about 24 years b/c Mahajan R/o 2/159, Kala Kund, Housing Board, Aravali Vihar, Alwar.
5. Pyare Lal S/o Shri Ghisu Lal b/c Salvi aged about 25 years, R/o 173, Village Bhopon Ki Dholi, Bheem Post & Tehsil Bheem, District Rajsamand.
6. Ashish Vijay S/o Shri Ramesh Chand Vijay, aged about 24 years, b/c Mahajan R/o Park Plaza Colony, Tonk.
7. Banwari Lal Meena S/o Shri Chirangi Lal Meena, aged about 22 years b/c Meena R/o village Kaji Kondali, Post Morpa, Tehsil Bamanwas District Sawai Madhopur.
8. Kanwar Singh Yadav S/o Shri Ajit Singh Yadav R/o Village Banar, Tehsil Kotputali, District Jaipur.

All applicants are serving at Beawar Dn. Distt. Ajmer.

....Applicant

Mr. Krishan Sharma, counsel for applicants.

#### VERSUS

- (1) Union of India through Secretary, Ministry of Communications & Information Technology, Department of Posts, Delhi.
- (2) Director (VP & DE) Ministry of Communications & Information Technology, Department of Posts (Recruitment Division) Dak Bhawan, Sansad Marg, New Delhi – 110001.
- (3) Superintendent of Post Office Beawar Dn. Beawar, Dist. Ajmer – 305902-06.

....Respondents

Mr. R.D. Rastogi Additional Solicitor General assisted by Mr. Rajendra Vaish, CGSC, counsel for respondents.

#### **(7) ORIGINAL APPLICATION NOS. 291/00030/2016**

Ram Narayan Patel S/o Shri Bhera Ram, aged about 29 years b/c OBC, R/o Vill + Po- Mogra Kallan, District Jodhpur (Office Address: worked as Postal Assistant under SSPO Jaipur City Division, Jaipur).

....Applicant

Mr. S.S. Rathore, counsel for applicant.

VERSUS



- (1) Union of India through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
- (2) The Asst. Director General (DE), Dak Bhawan, Sansad Marg, New Delhi – 110001.
- (3) The Chief Post Master General, Rajasthan Circle, Jaipur – 302007.
- (4) Senior Superintendent of Post Offices, Jaipur City Division, Jaipur.

....Respondents

Mr. R.D. Rastogi Additional Solicitor General assisted by Mr. Rajendra Vaish, CGSC, counsel for respondents.

### **ORDER**

**(Per DR. K.B. SURESH, JUDICIAL MEMBER)**

With the consent of counsels for the parties, all the aforesaid Original Applications have been heard together since facts and issue are similar in these OAs and, as such, are being disposed of by a common order.

2. In support of their cases, learned counsels for the applicants placed reliance on several orders of other Benches of the Tribunal including the order of Ahmedabad Bench of the Tribunal which is a detailed order dated 18.03.2016 in OA No. 478/2015 (Kaustubha Devang Pandya & Ors. vs. UOI & Ors.) with OA No. 100/2016 (Jadav Ajitsang Banesang vs. UOI & Ors.). Four points were formulated for consideration by the Bench. After hearing counsels for the parties, points were answered.

3. Learned counsel for the respondents placed before us the decision of the Hon'ble Apex Court in **Mahipal Singh Tomar vs. State of Uttar Pradesh** and Others, reported in (2013) 16 SCC 771, which is a connected decision of the Hon'ble Apex Court in

**Inderpreet Singh Kahlon and others vs. State of Punjab and others**, reported in (2006) 11 SCC 356, in **Onkar Lal Bajaj and others vs. UOI & Anr.**, reported in (2003) 2 SCC 673, in **Chairman, All India Railway Recruitment Board and another vs. K. Shyam Kumar and others**, reported in (2010) 6 SCC 614, in **East Coast Railway and another vs. Mahadev Appa Rao and others**, reported in (2010) 7 SCC 678, and in **Union of India and others vs. O. Chakradhar**, reported in (2002) 3 SCC 146.

4. We have heard learned counsels for both the sides elaborately.

5. Learned counsel for the respondents on the basis of these judgments of the Hon'ble Apex Court submits that there is a question which had arisen as to whether the judgment of the Ahmedabad Bench of the Tribunal in OA No. 478/2015 with OA No. 100/2016 (supra) will be hit by the principle of per incuriam. We, therefore, examined these judgments and find that the principle of per incuriam will not be attracted for the single reason that the Hon'ble Supreme Court's judgments and C.A.T., Ahmedabad Bench's judgment follows the same stream.

6. In **East Coast Railway and another vs. Mahadev Appa Rao and others** (supra), the Hon'ble Apex Court has held that judicial review is possible on the ground of arbitrariness and further held that though a candidate who has passed an examination or whose name appears in select list does not have an indefeasible right to be appointed, yet appointment cannot be

denied arbitrarily, nor can selection test be cancelled without giving proper justification.

7. In **Chairman, All India Railway Recruitment Board and another vs. K. Shyam Kumar and others** (supra), Hon'ble Supreme Court has held that on the basis of vigilance report indicating leakage of question paper, large-scale impersonation of candidates, mass copying etc. in written test, and possibility of involvement of departmental staff and outsiders, there is no illegality in quashing the appointments.

8. In **Onkar Lal Bajaj and others vs. UOI & Anr.**, (supra), the Hon'ble Apex Court has held that in regard to distribution of State largesse, cancellation of largesse already granted. The test will determine the probity in governance and larger interest of public.

9. In **Union of India and others vs. O. Chakradhar** (supra), the Hon'ble Supreme Court has held that the applicability of principle of natural justice may have some exception in some case, individual notice to candidates may not be necessary where the mischief in conducting the selection was so widespread and all-pervasive, affecting the result, that it was difficult to identify the persons unlawfully benefited or wrongfully deprived of selection.

10. But in the present case the vigilance enquiry had already identified the very number of persons who are involved in it and their names have also been identified, therefore, there is a

question as to why the respondents have failed to act on this enquiry report which is a full detailed inquiry conducted by their own vigilance itself and after going through it we are convinced that they had done a good job.

11. In **Mahipal Singh Tomar vs. State of Uttar Pradesh** and Others (supra), the Hon'ble Apex Court has held that if report is vague and opportunity to controvert the findings recorded were not given then such termination of services would be illegal and liable to be quashed.

12. After having considered all these judgments cited by the respondents, we hold that the judgment of the Ahmedabad Bench of the Tribunal in OA No. 478/2015 with OA No. 100/2016 (supra) is not hit by principle of per incuriam and having considered all aspects raised herein also is eligible to be followed but because of some factual issues with slight modifications.

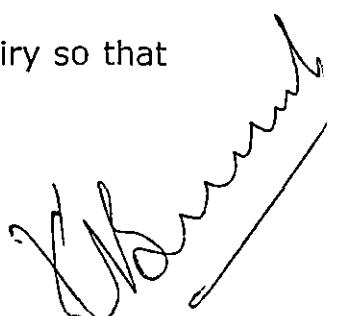
13. At this stage, learned counsels for the applicants placed before us the judgment of the Hon'ble Apex Court in **Union of India and others vs. Rajesh P.U., Puthuvalnikathu and another** reported in (2003) 7 SCC 285, wherein it has been held that where from out of the selectees it was possible to weed out the beneficiaries of irregularities or illegalities, there was no justification to deny appointment to those selected candidates whose selection was not vitiated in any manner. This is the main crux of the matter. If there is anybody who is involved in the conspiracy or criminal intents they must be sent out but the denial of appointment to innocent persons would frustrate the

livelihood of these persons which is against the mandate of Constitution of India.

14. Learned counsel for the applicants also placed before us the decision of the Hon'ble Supreme Court in **Joginder Pal and others vs. State of Punjab and others**, reported in (2014) 6 SCC 644, wherein it has been held that once it was accepted that some of the candidates were untainted and who entered service by virtue of their merit and not because of any extraneous considerations and such candidates could be segregated from tainted candidates, cancellation of entire selection process on the ground that the process smacks of mala fides and malpractices was not justified and untainted candidates should be reinstated in service. We are in respectful agreement with the views expressed by the Hon'ble Supreme Court in **Joginder Pal and others vs. State of Punjab and others** (supra).

15. After having heard the counsels for both the sides and examining the matter in a great detail, we hereby issue the following directions:

(i) The respondents will refer the matter to the CVC and CBI immediately and forthwith with all relevant documents /record and position of the matter, so that they can immediately commence the preliminary enquiry. There will be a time of three months from today for completion of preliminary enquiry so that the clouds can be shifted out from innocent.



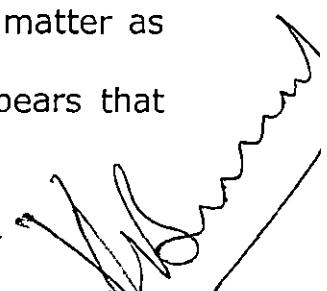
(ii) If the respondents are unable to find out the involvement of any of the applicants in all these dealings then it will be deemed that the applicants are innocent of the charges leveled against them and in that case at the end of <sup>the</sup> three months period as granted, the applicants will be reinstated back in service.

16. At this stage, learned counsel for the respondents submits that at least four months' time may be granted for completion of the enquiry by the CVC and CBI. It is allowed.

17. It appears through the vigilance report and after hearing the counsels for the parties that there might be involvement of senior officers of the department also, it is, therefore, necessary to weed out all of these persons and take appropriate action against them, which shall also be taken within the aforesaid period.

18. There will be a mandate to the CVC and CBI to treat this matter as very urgent as question of livelihood of so many persons is there, and integrity to be maintained in Government servant is a question, therefore, urgent action will be required to be taken by the CVC and CBI in the matter within a period of four months' time as sought by the respondents. It is to be noted that following orders of other Benches sufficient time is already granted.

19. Besides, there may not be any difficulty in this matter as after having gone through the vigilance report it appears that



there might be involvement of senior officers of the department itself and most of the issues are taken care of.

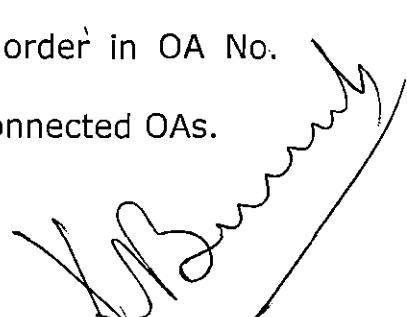
20. It is made clear that if name of anyone of the applicants is found in such a racket then notice(s) shall be issued to them within 15 days after completion of four months' time already granted to the CVC and CBI for completion of enquiry and appropriate action may be taken against them so that justice may be done. For those applicants who are found innocent in the matter, their rights of employment and consequences thereof shall follow within a period of four months from today as aforesaid.

21. With these observations and directions, all the Original Applications are disposed of with no order as to costs.

22. Registry shall place original copy of this order in OA No. 291/00008/2016 and certified copies in other connected OAs.



(MS. MEENAKSHI HOOJA)  
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)  
JUDICIAL MEMBER

kumawat