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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 14.11.2000

OA 338/96

1. Jagdish Prasad Meena s/o Late Shri Krishan Lal Meena
2. Rakesh Kumar Arora s/o Shri Ramji Dass Arora

Both Sr.Accountants, Pay & Accounts Office,  
Customs & Central Excise, NCRB, Statue Circle,  
Jaipur.

... Applicants

v/s

1. Union of India through Secretary, Min.of Finance,  
Dept. of Revenue, North Block, New Delhi.
2. Staff Selection Commission through Regional Director  
(W.R.), Army & Navy Building, 148, MG Road, Mumbai.
3. Commissioner of Customs & Central Excise, Rajasthan,  
Jaipur.
4. Central Board of Excise & Customs, Govt. of India,  
North Block, New Delhi.

... Respondents

CORAM:

HON'BLE MR .S .K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR .GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicants ... Mr.Pawan Sharma

For the Respondents ... Mr.K.N.Shrimal

O R D E R

PER HON'BLE MR .GOPAL SINGH, ADMINISTRATIVE MEMBER

In this application u/s 19 of the Administrative  
Tribunals Act, 1985, the applicants, named above, have

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prayed for a direction to the respondents to hold special examination of the applicants or in the alternative the applicants may be interviewed directly.

2. Applicants' case is that both of them are working as Senior Accountant in the office of Customs & Central Excise, Jaipur. In response to an advertisement appearing in the Employment News dated 1.12.95 both the applicants applied for recruitment examination for the post of Inspector, Central Excise, Income Tax etc. ~~1996~~ scheduled to be held on 28.4.96. The applications of the applicants were rejected by the respondents vide their communication dated 3.4.96. However, on reconsideration the admission certificates for said examination were sent to the applicants on 23.4.96 by Speed Post. It is the contention of the applicants that the admission certificates despatched on 23.4.96 ~~were~~ by Speed Post were received by them on 30.4.96, after the examination was over, and thus they have been deprived of their opportunity of appearing in the said examination. Applicants submitted a notice for demand of justice through their counsel on 10.5.96 but to no avail, hence this OA.

3. In the counter it has been stated by respondent No.2, Staff Selection Commission, Mumbai, that ~~the~~ all the applications for the said examination were scrutinised according to the guidelines prescribed and both the applications of the applicants were rejected as they were not found

*C. Patel*

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eligible for the said examination on the ground that there was no nexus between the post applied for and the post in which they were ~~working~~ then working and accordingly the applicants were advised. It has also been stated by the respondent that the headquarters office vide their letter dated 15.4.95 had conveyed the decision in respect of a Stenographer satisfying the nexus criteria and, therefore, he was declared eligible to take the said examination. Accordingly, the respondents rescreened all the rejected applications on this nexus criteria and both the applicants were issued admission certificates for the said examination and despatched the same on 23.4.96 by Speed Post. The said examination was scheduled to be held on 28.4.96 (Sunday). There were four days in between the ~~day~~ date of despatch and the date of examination and it was expected that a Speed Post letter sent on 23.4.96 would reach the applicants before the scheduled date of examination. In normal circumstances also, a Speed post letter reaches the destination on ~~the~~ third day. In these circumstances, it has been averred by the respondents that there is no merit in this application and the same deserves to be dismissed.

4. We have heard the learned counsel for the parties and perused the records of the case carefully.

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5. Learned counsel for the respondents have cited RLR 1989 (1) 271, Mrs. Savitri Batar v/s Rajasthan Public Service Commission, Ajmer, in support of their contention that they cannot be held responsible for any fault on the part of the Postal authorities. In this case, petitioner had sent application under Registered Post on 23.7.88 but was received in the office of the R.P.S.C. on 1.8.88, last date for submission of applications being 30.7.88, and as such the application was rejected. Hon'ble the High Court held that Commission is not responsible for any fault of Postal authorities and the application was rightly rejected. But the learned counsel for the applicants has argued that it was no fault of theirs that the admission certificates were received late by them. It is also argued on behalf of the applicants that as per the prescribed procedure the admission certificate should have been sent to the ~~applicant~~ applicants three weeks in advance. However, seeing to the circumstances of this case, we are of the view that the respondents came to know of the revised nexus criteria only on 15.4.96 through their headquarters and thereafter scrutinised all the rejected applications on this account and they issued the admission certificates on 23.4.96. They could not have issued the admission certificates three weeks in advance in such circumstances.

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In any case, there were four working days available for the delivery of Speed Post letter, which was not delivered due to the fault of the Postal authorities. We, therefore, cannot hold the Staff Selection Commission responsible for this delay.

6. In the light of the above discussion, we do not find any merit in this case and the same deserves to be dismissed. The OA is accordingly dismissed with no order as to costs.

Gopal Singh

(GOPAL SINGH)  
MEMBER (A)

S.K. Agarwal

(S.K. AGARWAL)  
MEMBER (J)