

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.27/1997

Date of order:08.02.2001

Chhote Lal, S/o Sh.Ghasi Ram Ji, R/o Khatikon ki Mandi,
Jaipur, working as Mailman (Zamadar) RMS Post Office,
Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt, Mini. of
Communication, Deptt. of Post, New Delhi.
2. Chief Post Master General, Deptt. of Post, Rajasthan
Circle, Jaipur.
3. The Sr.Superintendent, Deptt. of Post, RMS Post Office,
Jaipur.

...Respondents.

Mr.Surender Singh - counsel for the applicant.

Mr.N.C.Goyal - Counsel for respondents Nos.1-4.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

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

In this Original Application filed under Sec.19 of the
Administrative Tribunals Act, 1985, the applicant makes a
prayer that the applicant should be deemed to have been
declared successful in the examination for promotion to the
post of Sorting Assistant held in the year 1996 and he should
be treated at par with the candidates who appeared in the
examination held on 30.7.95.

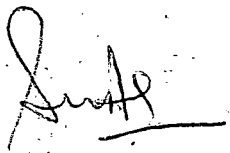
2. Facts of the case as stated by the applicant are that
the applicant was serving as Mailman (Zamadar) of Group-D post
at RMS Post Office, Jaipur. An examination for promotion to
the post of Sorting Assistant (Group-C) was held on 30.7.95 at
Jaipur. The applicant being eligible also applied for the same
but he was not allowed to appear in the said examination. It

is stated that on the Notice Board a notice was affixed mentioning that the paper will be completed within one hour from 10.00 AM to 11.00 AM. The applicant reached at the Examination Centre at 10.00 AM on 30.7.95 but he was not allowed to appear. No information was given to the applicant regarding the change of time-table. It is stated that due to negligence and latches on the part of the respondents, the applicant cannot be deprived of his legal right to appear in the examination. The applicant also served a notice to the respondents through his counsel but with no result. Therefore, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. In the reply it is stated that the applicant reached late more than half an hour after commencement of the examination, therefore, he was not allowed to appear in the examination as per the provisions given in Rule 14, Part III of Appendix 37 of Postal Manual, Vol.4, Part-II. It is also stated that the applicant reached at 10.40 hours whereas the candidates reported late upto 30.30 hrs. were allowed and the applicant was not allowed to appear in the said examination as per rules. It is further stated that the legal notice given by the applicant was duly replied and the applicant has no case for interference by this Tribunal, therefore, it is stated that the O.A may be dismissed.

4. Heard the counsel for the parties for final disposal of the O.A at the stage of admission and also perused the whole record.

5. Admittedly, in the time-table, by mistake earlier it was mentioned as 9.00 AM to 10.AM for the examination but later on the Paper-I for RMS candidate was allowed 10.00 AM to 12.00 hours and the candidates from RMS division coming late were allowed upto 10.30 hours. On the perusal of the report of respondent No.2 which is filed with the reply makes it very



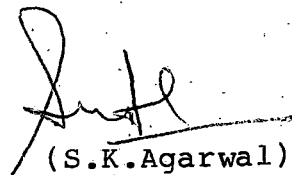
clear that the applicant came after 10.30 hours i.e. 10.40 hours, therefore, he was not permitted to appear in the First paper. On a perusal of the averments made before us, it does not appear that the applicant made any protest then and there before the departmental authorities. Only the assertion of the applicant that he reported at 10.00 hours is not believable in view of the detailed report at Annx.R2 in which it has been specifically mentioned that the applicant was not permitted in the First Paper because he came at 10.40 hours. Rule 14, Part-III of Appendix-37 of Postal Manual, Vol. 4, Part II, makes it very clear that candidates arriving late upto half-an-hour may be allowed to sit for the examination but candidates coming late should not, however, be allowed any extra time after the expiry of the hours prescribed for the close of the examination in the paper concerned. This rule makes it abundantly clear that after commencement of the examination upto half-an-hour a candidate can be allowed in the examination but any candidate who comes late after half-an-hour cannot be allowed in the examination. Therefore, in our considered view, disallowing the applicant in the examination by the respondent department is not in any way arbitrary, illegal and in contravention of any rules and we do not find any merit in the O.A and the same deserves to be dismissed having no merit.

6. We, therefore, dismiss the O.A having no merit with no order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).