

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.302/97

Date of order: 28/8/2000

Kalu Ram Balai, S/o Shri Panchu Ram, R/o Village Ram Nagaria, Post Jagatpura, Malviya Nagar, Jaipur, posted as Postman, Gandhi Nagar Post Office, Jaipur.

...Applicant.

Vs.

1. Union of India through the Secretary to the Govt, Deptt. of Posts, Mini. of Communication, New Delhi.
2. Chief Post Master General Rajasthan Circle, Jaipur.
3. Sr. Supdt. of Post Offices, Jaipur City, Jaipur Postal Divn, Jaipur

...Respondents.

Mr. S.B. Sharma - Counsel for applicant.

Mr. M. Rafiq ) - Counsel for respondents.

Mr. Azgar Khan)

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 under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes the following prayers:

- (i) to direct the respondents to interpolate the name of the applicant in the eligibility list (Annex. A1) at appropriate place by deleting the name of the applicant from the list of ineligible candidates shown in Annex. II of Annex. A1;
- (ii) to direct the respondents to allow the applicant to appear in the examination to be held on 27.7.97 without any restriction of chances quashing instructions dated 20.4.89 (Annex. A2) and 17.5.90 (Annex. A3).

2. While passing order dated 14.7.98, in M.A No. 118/98, this Tribunal directed the respondents to allow the applicant to appear in the said examination to be held on 26.7.98, if the applicant is otherwise eligible as per the Rules of 1990 and as amended in the year 1992.

*[Handwritten signature]*

3. On 25.6.99, this Tribunal again directed the respondents to permit the applicant to appear provisionally in the said examination scheduled to be held on 27.6.99, subject to his eligibility. A further direction was also given that his result shall be kept in a sealed cover till the disposal of the O.A.

4. The learned counsel for the applicant does not press relief No.1 before us. He only submits that the provisional admission as allowed to the applicant vide order dated 25.6.99, be regularised.

5. In the reply filed by the respondents, it is stated that since the applicant has already availed his maximum five chances as per policy guidelines of the department, he cannot be permitted to appear in the said departmental examination. Therefore, the respondents did it rightly hence, there was no arbitrariness or violation of Articles 16 and 16 of Constitution of India, in this case.

Heard the learned counsel for the parties and also perused the file record.

The learned counsel for the applicant has drawn our attention to a letter dated 26.8.99 issued by the Govt of India, Mini. of Communication & Deptt. of Posts, New Delhi, copy of which is marked as Annx.R2. In this letter it is mentioned clearly that the number of chances for appearing in LGOs examination has been increased from five to six.

8. In view of the instructions issued by Govt of India, Deptt. of Posts, vide Annx.R2, the chance given to the applicant to appear provisionally in the said examination was perfectly legal and valid and the reason to deny him to appear in the examination by the respondents was that the applicant has already availed five chances. By the order dated 26.8.99 (Annx.R2) the number of chances have been increased to six, therefore, in our considered opinion that the applicant was eligible to appear in the LGOs examination on 27.6.99 and the applicant is declared to be eligible for the said examination.

9. We, therefore, allow the O.A to the extent that the applicant was eligible to appear in the examination which was held on 27.6.99 for the

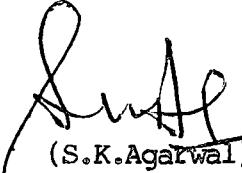
selection on the post of LGOs and we accordingly direct the respondents to open the sealed cover and declare the result accordingly.

10. No order as to costs.



(N.P.Nawani)

Member (A).



(S.K.Agarwal)

Member (J).