

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.190/98 Date of order: 2.8.2001

Manohar Lal Yadav, S/o Sh.Devbax Yadav, R/o Village
Kota, Mahawa Road Distt.Dausa.

...Applicant.

vs.

1. Union of India through the Secretary, Mini.of Communication, New Delhi.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur.
3. The Postmaster General, Rajasthan Southern Region, Ajmer.
4. The Senior Superintendent of Post Offices, Kota Junction, Kota.

...Respondents.

Mr.R.P.Vijay : Counsel for applicant

Mr.D.K.Swamy, proxy of Mr.Bhanwar Bagri, for respondents.

CORAM:

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

Hon'ble Mr.A.P.Nagrath, Administrative Member.

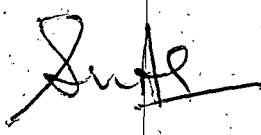
PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to direct the respondents to give appointment to the applicant on the post of Postal Assistant with all consequential benefits w.e.f. 20.2.95 i.e. the date of passing the pre-induction training.

2. Facts of the case as stated by the applicant are that respondent No.3 has published an advertisement in Rajasthan Pathrika on 7.12.94 for recruitment to the post of Postal Assistants. It is stated that the applicant passed Intermediate Examination in 1993 from Bihar Education

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Council, Patna, which was declared as equivalent to Senior Secondary Examination by the Board of Secondary Education, Ajmer. Therefore, the applicant was eligible for the post and he submitted his application alongwith documents. It is stated that the applicant was called for interview and thereafter he was found suitable and selected. It is stated, that the applicant was medically examined and after medical examination, he completed the pre-induction training on 20.2.95. Thereafter, the applicant waiting for his appointment. He approached many times to the office of Sr. Supdt of Post Offices, Kota but with no result. The applicant filed his representation on 25.11.97 with the request for giving appointment on the post of Postal Assistant but with no result. Thereafter the applicant sent a notice for demand of justice on 31.1.98 and in pursuance to that notice, the Sr. Supdt of Post Offices, Kota, sent a letter to the counsel for the applicant, wherein it was mentioned that the petitioner has submitted a document showing that he has passed the Intermediate Examination from Bihar Education Council, Patna but the Board of Secondary Education, Ajmer vide their letter dated 22.7.95 informed the respondents that the said examination conducted by Bihar Education Council, Patna's equivalence has been stayed with immediate effect, as such after cancellation of the equivalence the matter was sent for Regional Office, Ajmer for further instruction. The Regional Office, Ajmer vide order dated 7.6.96 directed that none of the candidate be sent for induction training until the fresh directions to this effect may not be received. Ultimately, the applicant declared as ineligible for appointment and letter was



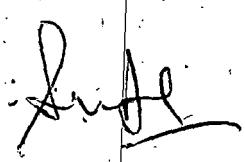
communicated to the applicant that candidature of the applicant cannot be considered for appointment as he is not having the requisite qualification. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply, it is stated that the applicant does not hold the minimum requisite qualification for being appointed to the post of Postal Assistant, therefore, the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

4. The learned counsel for the applicant urged that the instant case is squarely covered with the order passed in O.A No.415/97; Chandra Prakash Nama Vs. UOI & Ors, decided on 18.4.2001 by this Tribunal and has furnished a copy of the said order. The counsel for the respondents has not opposed the contention of the counsel for the applicant in so many words.

5. On a perusal of the facts and circumstances of the instant case and O.A No.415/97, Chandra Prakash Nama Vs. UOI & Ors, decided on 18.4.2001, we are of the considered opinion that the instant case is squarely covered by the decision given in O.A No.415/97, Chandra Prakash Nama Vs. UOI & Ors, therefore, this O.A is decided accordingly.

6. We, therefore, allow the O.A and direct the respondents to appoint the applicant on the post of Postal Assistant after completing all the formalities required for this purpose, within two months from the date of receipt of a copy of this order and the respondents shall not deny the appointment to the applicant on the post of Postal Assistant only on the ground that the applicant passed Intermediate



Examination from Bihar Intermediate Education Council, Patna
which has not been recognised by the Board of Secondary
Education, Rajasthan, Ajmer.

7. No order as to costs.

Ans
(A.P.Nagrath)

Member (A).

S.K.A.
(S.K. Agarwal)

Member (J).