

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./XXX. No. 58 . . . . . of 1998

DATE OF DECISION 13.12.2000

Miss Hamida Begum ..... PETITIONER(S)

Mr A.C. Sharma and Mr N.K. Kalita ..... ADVOCATE FOR THE  
PETITIONER(S)

VERSUS -

The Union of India and others ..... RESPONDENT(S)


Mr A. Deb Roy, Sr. C.G.S.C. ..... ADVOCATE FOR THE  
RESPONDENTS

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR M.P. SINGH, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.58 of 1998

Date of decision: This the 13th day of December 2000

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr M.P. Singh, Administrative Member

Miss Hamida Begum,  
Daughter of Nurul Hussain,  
Hatigarh Muslim Gaon,  
P.O. Chengeligaon, Distt. Jorhat,  
Assam.

.....Applicant

By Advocates Mr A.C. Sharma and  
Mr N.K. Kalita

- versus -

1. The Union of India, represented by the  
Chief Post Master General, Assam Circle,  
Guwahati.

2. The Superintendent of Post Offices,  
Sibsagar Division,  
Jorhat.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The issue raised in this application is squarely covered by the decision of this Tribunal in O.A.No.250 of 1996 and O.A.No.251 of 1996 disposed of on 10.9.1997 pertaining to selection and appointment of Postal Assistants in the Sibsagar Postal Division.

2. The applicant, in pursuance to an advertisement, was sponsored by the Employment Exchange and the interview was held on 2.1.1996. The applicant appeared before the interview accordingly. By a communication dated 31.1.1996 the applicant was informed by the Superintendent of Post Offices, Sibsagar Division, that she was provisionally selected for the post of Postal Assistant in the Sibsagar


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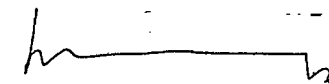
Division and she was asked to appear before the Superintendent of Post Offices on or before 20.2.1996 with her original testimonials. The applicant accordingly appeared before the Superintendent of Post Offices and she was provisionally selected for appointment in the cadre of Postal Assistant in the Sibsagar Postal Division vide order dated 15/22.3.1996. By the said order the applicant was ordered to be attached to Jorhat head Office for fifteen days training. According to the applicant she completed the practical training and after that by the impugned order dated 29.3.1996 her provisional selection made under office letter dated 31.1.1996 stood cancelled. Nine such similarly situated persons moved this Tribunal by filing O.A.Nos.250 and 251 of 1996 and by Judgment and Order dated 10.9.1997 the Tribunal directed the respondents to appoint those applicants. The present applicant is also similarly situated. According to the applicant, in the merit list she occupied a higher position than some of the applicants in the above two O.A.s. Since the Tribunal has accorded relief to those applicants there was no justification on the part of the respondents not to provide similar benefit to the applicant who was also similarly situated.

3. Mr. A. Deb Roy, learned Sr. C.G.S.C., opposing the application, submitted that the applicant ought to have approached the Tribunal at the first instance alongwith the other applicants in the aforementioned two O.A.s and since the applicant did not approach the Tribunal in time her case could not be considered at this belated stage. We are not impressed with the argument of Mr Deb Roy for the reason that <sup>where</sup> if a person is similarly situated.....

situated the relief granted in the aforementioned two O.A.s should also have been granted to the present applicant. The applicant pursuant to the judgment of this Tribunal dated 10.9.1997 submitted a representation on 15.11.1997. The respondents, on receipt of her representation, ought to have responded to her representation and given the benefit of the judgment dated 10.9.1997 passed by the Tribunal in the aforementioned two O.A.s. We find it difficult to accept the plea of Mr Deb Roy not to provide similar benefit to the applicant. The applicant was also selected and sent for training. In the circumstances, the respondents are directed to take steps for absorbing the applicant in any suitable post vacant or against anticipated vacant post as expeditiously as possible, preferably within three months from the date of receipt of the order.

4. The application is accordingly allowed. There shall, however, be no order as to costs.

  
( M. P. SINGH )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN