

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No 701/2003

(Cawal), this the 23rd day of February, 2005

Hon'ble Mr. M.P. Singh, Vice chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Umesh Kumar Singh S/o Shri Tapeshwari
Singh, aged about 31 years, villagers
Bhandhapa, Post-Chap, Distt. Rohtas,
Bihar.

Applicant

(By Advocate – Shri Satish Gupta)

V E R S U S

1. Union of India,
Through its Secretary,
Ministry of Communications
Department of Posts, New Delhi.
2. The Chief Post Master General,
M.P. Postal Circle,
Hoshangabad Road, Bhopal
3. The Postmaster General,
Raipur Region, Raipur.
4. The Senior Supdt. Of Post Offices,
Durg Division, Bhilai, M.P.

Respondents

(By Advocate – Shri S.P. Singh)

O R D E R

By Madan Mohan, Judicial Member :-

By filing this Original Application, the applicant has sought the following main reliefs :-

- “1. be direct the respondent to continue the applicant on the post of Postal assistant.
2. to direct the respondents to reinstate the applicant and to pay the back wages from date of discontinuance of service i.e. From 5.11.01 and to pay the other consequential benefits.
3. to direct the respondents that since all the verification relating to the applicant has been done, to produce the verification report before the Hon'ble Tribunal.”



2. The brief facts of the case are that the applicant had applied for the post of Postal Assistant, and after appearing in the examination, he was found successful but, the candidature of the applicant alongwith certain other persons were cancelled because they did not file the requisite testimonials within the time prescribed by the respondents. Therefore, the applicant has filed an OA 215/96 before this Tribunal, which was decided on 27.9.1999 in favour of the applicant. In pursuance to the Tribunal's order, the applicant gave joining on 10.11.99 at Durg Head Post Office on the post of Postal Assistant. On 15.10.01 the respondents demanded enlistment number from the applicant, which is allotted to every candidate , who appeared for the examination of intermediate(10+2). The applicant submitted a reply/ representation that because of holidays he was not able to procure the enlistment number. Thereafter he submitted the enlistment number vide letter dated 25.1.2002 . However, the respondents discontinued his services w.e.f. 5.11.01 without giving any reasons and on the ground of non suppling of the enlistment number, which is absolutely illegal and arbitrary. He preferred representations to all the concerned authorities for reinstatement in service but, the respondents have not taken any decision in favour of the applicant. Hence, this OA.

3. Heard the learned counsel for the parties.

4. It is argued on behalf of the applicant that the applicant appeared in the examination conducted by the respondents for the post of Postal Assistant and he was declared successful in it and was found fit for the aforesaid post. The candidature of the applicant alongwith certain other persons were cancelled because they did not file the requisite testimonials within the time prescribed by the respondent. In pursuance of the order of the Tribunal dated 27.9.1999, the respondents permitted the applicant to join his services on the said post on 10.11.99. However, they demanded the enlistment No. from the applicant. The enlistment No. has been supplied by the applicant to the respondents. Even then the respondents have arbitrarily and malafidely discontinued the services of the applicant and the action of the respondents is illegal and unjustified.



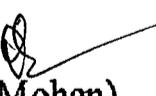
5. In reply, the learned counsel for the respondents has argued that the applicant was selected provisionally for the post of Postal Assistant against the vacancy of the year 1994. He was removed from the service because he could not fulfill the qualification criteria as per advertisement of the post. The applicant filed the OA No.215/96 before this Tribunal against the said communication. In view of the order of the Tribunal, the applicant was ordered to join 15 days practical training and thereafter to work as Trainee Postal assistant after completion of training vide letter dated 9.11.1999 (Annexure-R/2). The character of the applicant was verified by the District Magistrate, Rohtas and the Inter Mediate Education council, Patna was asked to verify the Intermediate mark sheet of the applicant. The learned counsel for the respondents further stated that the original mark sheet received from the applicant was found over-written in name and the verification report dated 10.6.1996 was found doubtful, therefore, both the documents i.e. mark sheet and the verification report received from Bihar Intermediate Education Council Patna, were required to be physically verified and for the purpose, Shri N.N.Izardar, the then ASPO's Bhilai sub Division was directed to verify the same. The report was received on 22.9.2001 in which the enlistment number of the applicant was found scratched in the office record of Patna Board and it was further pointed out that the verification report issued by Bihar Intermediate Education Council dated 10.6.1996 was found to be a false. Hence, the OA deserves to be dismissed.

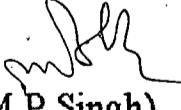
6. After hearing the learned counsel for the parties and careful perusal of the records, we find that the applicant was selected provisionally for the post of Postal Assistant against the vacancy of the year 1994. We have perused the letter dated 16.5.95 wherein it has been mentioned that the name of the candidates should have been registered in any employment exchange of M.P before the date of applying the application for the said post. The applicant had submitted application on 18.10.94 for the post of Postal Assistant, while his name was registered in the employment exchange,



Shahdol on 20.10.94. Hence, the name of the applicant was not registered in the concerned employment exchange on the date of submission of application form, his name was registered in the employment exchange two days after the submission of the application form.. The respondents have verified the character of the applicant and also the mark sheet of the Intermediate Education. As per the reply, we find that the original mark sheet received from the candidate was found overwritten in the name and the verification report dated 10.6.1996 was found doubtful, therefore, both the documents, i.e. Mark sheet and the verification report received from Bihar Intermediate Education Council Patna, were required to be physically verified and for this purpose, Shri N.N.Izardar the then ASPO's Bhilai Sub Division , was directed to verify the same. He submitted his report on 22.9.2001 in which the enlistment number of the applicant was found scratched in the office record of Patna Board and it was further pointed out that the verification report issued by Bihar Intermediate Education Council dated 10.6.1996 was found to be a false. We have perused the Annexure-R3 dated 22.9.2001. The applicant has not filed the concerned document even with the rejoinder while the respondents have filed the additional reply against the rejoinder, in which they have supported their earlier contention. Even then the applicant could not file his genuine mark sheet. The letter issued by the Principal of Sachchidanand College, Aurangabad on 26.3.2004 shows that the relevant page of the concerned register is not available to confirm the validity of the mark sheet of the applicant.

7 Considering all the facts and circumstances of the case, the OA is bereft of merit and accordingly, the same is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

skm.

पृष्ठांकन सं. ३०/न्या.....जबलपुर, दि.....
पुस्तिलिपि अच्ये हितः—
(1) सचिव, उच्च न्यायालय कार एसोसिएशन, जबलपुर
(2) आकेशक श्री/श्रीमती/थु.....का काउंसल
(3) प्रस्तावी श्री/श्रीमती/थु.....का काउंसल
(4) वैद्यपाल, को.फ्र.31, जबलपुर न्यायालय
सूचना एवं आवश्यक कार्यवाही हेतु

Sachish Gupta P.D
Bijay Singh P.D
S.P. Singh P.D
S.P. Singh P.D
S.P. Singh P.D

उपराजितदाता

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