

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.567 of 1999

Jabalpur, this the 27th day of August, 2003

Hon'ble Shri D.C.Verma, Vice Chairman (Judicial)
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Virendra Kumar Singh,
S/o Shri Tapeswar Singh,
aged 29 years, R/o Saraihar,
Post Ankupa, P.S. Kutumba,
Distt. Aurangabad (Bihar)

- APPLICANT

(By Advocate-Shri Rajneesh Gupta, holding brief of
Shri R.K. Gupta)

Versus

1. The Union of India through the
Secretary, Post and Telegraph,
New Delhi.
2. Director of Postal Services, Deptt.
of Posts and Telegraph, New Delhi.
3. The Post Master General, M.P., Bhopal.
4. The Superintendent of Post Offices,
M.P., Bhopal

- RESPONDENTS

(By Advocate-Shri B.da.Silva)

ORDER (Oral)

By D.C.Verma, Vice Chairman (Judicial)-

By this Original Application the applicant has prayed for a direction to the respondents to issue appointment/posting order in favour of the applicant for the post of Postal Assistant in pursuance to his selection vide Annexure-A-1.

2. The brief facts of the case is that a vacancy for the post of Postal Assistant was notified. The applicant applied against the said vacancy and was finally selected. The respondents informed the applicant vide communication dated 6.11.1995 about selection on the post of Postal Assistant but

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directed the applicant to appear along with all his testimonials and certificates relating to education, caste, date of birth etc. The applicant appeared before the respondent no.2 at Bhopal along with all the certificates and testimonials on 18.12.1995. Thereafter, the applicant was directed to fulfil the requirement in the shape of declaration, character, health certificate etc. This too was completed by the applicant. After that the applicant was waiting for appointment/posting letter, but failed to receive any communication. The applicant made representations but with no results. However, on meeting personally the applicant was informed by the authorities that the certificates have been sent for verification and report is still awaited. The applicant again sent representation, but without any favourable response. Hence he filed the present O.A.

3. It is admitted to the respondents that the applicant was selected for the post of Postal Assistant and was directed to appear in person with all his original documents and certificates on 20.11.1995. The applicant, however, failed to appear on that day and made appearance only on 18.12.1995. Even on this date, the applicant failed to produce certificates. The applicant preferred an application on 11.12.1995 submitting that he could not appear in person on 20.11.1995 due to illness. The applicant was, however, directed to produce all the original certificates within a week vide order dated 11.12.95. The applicant failed to produce the certificates within the stipulated period. However, when the applicant appeared on 18.12.1995 with school and college certificates, it was found, on examination, that the certificates were issued between 30.11.95
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and 15.12.1995 by the Bihar Intermediate Education Council, Patna, Bihar School Examination Board and Magadh University, Budhgaya. The certificates filed by the applicant along with his application were issued on 14.9.1994. Consequently, the certificates given by the applicant on 18.12.1995 were required to be verified. On a query, according to the respondents, the applicant informed the authorities on 18.12.1995 that the original certificates were lost and, therefore, he had to produce the duplicate certificates on 18.12.1995. It was found that there was no mention on the certificates being 'duplicate'. In the circumstances, the respondents forwarded a copy of those certificates for verification to the Secretary, Bihar Intermediate Education Council, Patna, the Secretary, Bihar School Education Board, Patna, and Controller of Examination, Magadh University, Budhgaya. The matter was also referred to Circle Officer, Bhopal for investigation vide letter dated 31.12.1996. On verification of address, it was reported that the applicant was not residing at the Shahdol address given by him in the original application. The verification with regard to the certificates took time. However, the same were confirmed on different dates. The authenticity of the documents was also checked up from the Chief Vigilance Officer, Bihar School Examination Board, Patna.

4. Counsel for the parties have been heard at length.

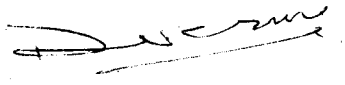
5. It is an admitted fact that the applicant was selected for the post of Postal Assistant in the year 1995. The delay occurred because the applicant could not produce the original certificates. The

certificates which were produced by the applicant were obtained subsequently and were duplicate in nature, consequently they required to be verified. The verification has taken some time. The learned counsel of the respondents on query submits that verification from all quarters has been done and the genuineness of the certificates is not doubted. The learned counsel, however, submits that the posts which were notified in 1994 may now not be vacant for giving appointment to the applicant. The further submission is that the delay is because of the applicant's own conduct in not appearing on the scheduled dates with original documents and the further delay is because of verification of the documents from various institutions. The delay was also caused because the applicant was not found residing on the Shahdol address as was given by the applicant in his application.

6. After counsel for the parties have been heard and we have considered the pleadings on record, the facts which stand undisputed is that the applicant was selected and his certificates have been found genuine. Consequently, the applicant deserves to be appointed. After lapse of so many years the genuine difficulty which the respondents may face about the vacancy which may now not be available. Consequently, we provide that the respondents shall appoint the applicant to the post of Postal Assistant on any existing vacancy which has not been notified or in case no such vacancy is available, in the first vacancy which may now arise after this order. It is also

provided that the applicant shall get the service benefits only from the date of joining and not of the previous year. The other relief claimed in the OA is rejected. The OA is accordingly partly allowed as above. Costs easy.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman(Judicial)


rkv.

पृष्ठानक सं ओ/न्या.....जबलपुर, दि.....

पलिलिपि अन्वेषित:-

- (1) सचिव, राज्य न्यायालय एवं प्रोसेसिंग, जबलपुर
- (2) जज (सि/डी/डी/डी)के काउंसल
- (3) प्रभारी पी/डी/डी/डीके काउंसल
- (4) वरिष्ठ, के.एस., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु


उप-रजिस्ट्रार
18/9/03

Forwarded
10/9/03

R. K. Gupta ACler
B da Silva - ACler