

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Jaipur, 11th day of August, 2005

ORIGINAL APPLICATION NO. 366/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR.M.K. MISRA, (ADMINISTRATIVE)MEMBER

Jhabbu Lal son of Shri Kanhiya lal by caste Meena, aged about 53 years, resident of Village Kolva, P.O. Baswa District Dausa, presently working as PA (HSG II BCR) at Phulera Post Office, District

.....Applicant

By Advocate : Mr. P.N. Jatti

versus

- 1 Union of India through the Secretary to the Government of India , Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
- 2 The Chief Post Master General, Rajasthan Circle, Jaipur.
- 3 Superintendent Post Offices, jaipur 'M' Dn. Jaipur.

....Respondents

By Advocate :

ORDER (ORAL)

The applicants have filed this OA thereby praying for the following reliefs:-

- (i) That by a suitable writ/order of the direction the impugned order vide Annexure A/1 dated 24.06.2005 be quashed and set aside and further by a suitable writ/order or the direction the respondents be

directed to communicate the marks of the PSS group B Examination held on 23.09.2003 and 24.09.2004 to the applicant.

(ii) That a reasonable cost to the applicant be allowed by the Hon'ble court to the applicant as the respondents have not followed the rules of the Department as mentioned in Para 5.5 of the OA and has been acting arbitrarily

(iii) Any other relief which the Hon'ble Bench deems fit.

2 Briefly stated, the case of the applicant was that the applicant was allowed to appear in the Examination of Combined PS Group 'B' Examination for the vacancies of 2001 and 2003 to be held on 23/24.09.2003 vide order dated 09.5.2003 but no call letter was issued to the applicant to appear in the said Examination. Feeling aggrieved by the action of the respondents, the applicant filed OA No.440/2003 in this Tribunal. This Tribunal permitted the applicant to appear provisionally in the said Examination and during the course of the hearing of the earlier OA, this Tribunal directed the respondents to produce the select list in respect of the aforesaid Examination. The said select list was produced for perusal of this Tribunal and this Tribunal after perusal of the select list it was found that the applicant has not qualified the said examination. In view of this, OA was dismissed by holding that the applicant cannot be granted any relief even if the applicant was eligible for appearing in the said Examination. Subsequently, the applicant made a request to the authorities to communicate the marks of the aforesaid Examination held on 23/24.09.2003. The said request of the

applicant was declined vide order dated 24.06.2005 (Annexure A/1) on account that this Tribunal in the earlier OA has not granted any relief to the applicant as such his candidature has been cancelled.

3 We have heard the learned counsel for the applicant at admission stage. We are of the view that there is no infirmity in the order passed by the respondents as the applicant was allowed to appear in the examination by virtue of order granted by this Tribunal in the earlier OA. The question whether the applicant is eligible to appear in the said Examination was kept open. So long as the said question is not decided by this Tribunal and it is held that the applicant was eligible to appear in the said examination, no further direction can be issued to the respondents to communicate the marks of the Combined PS Group 'B' Examination held on 23/24.09.2003.

4 The learned counsel for the applicant submits that he may be permitted to file a fresh OA thereby again re-agitating the matter regarding eligibility to appear in the said Examination and also for communicating the marks to the applicant in respect of the Combined PS Group 'B' Examination held on 23/24.09.2003.

5 In view of what has been stated by the learned counsel for the applicant, the applicant is granted liberty to file fresh and for aforesaid relief, ^{hence} this order will not come

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in his way to file fresh OA.

6 With these observations, the OA is disposed of at admission stage.


(M.K. MISRA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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