

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD**

Dated: This the 15th day of November 2018.

**HON'BLE MR. GOKUL CHANDRA PATI, MEMBER -A
HON'BLE MR.RAKESH SAGAR JAIN, MEMBER -J**

Original Application No. 330/00086 of 2014

Gaurav Kumar son of Shri Sone Lal R/o Village and P.O. Barkhiriya, District Farrukhabad.

.... . Applicant

By Adv: Shri B.N Singh

V E R S U S

1. Union of India through its Secretary, Ministry of Communication and Information Technology Department of Post Dak Bhawan, New Delhi.
2. Supdt. Of Post Offices, Mainpuri Division Mainpuri.

.... . Respondents

By Adv: Ms. Shikha Dixit

**ORDER
BY HON'BLE MR.RAKESH SAGAR JAIN, MEMBER - J**

1. The case of applicant Gaurav Kumar is that in pursuance of notification dated 06.11.2013 for appointment to the post of Gramin Dak Sewak Branch Post Master in different offices, the applicant sent application forms to the office of respondent No.2 by registered post and the last date for submission of form was 05.12.2013. As per the applicant he filed the registered post covers in the post office on 04.12.2013. It is the further case of the applicant that the registered envelops were returned back to him and envelops do not show any reason as to why the said envelops are being returned back to him. The return of the registered envelops back to the applicant without any reason is the basis for filing the present OA in which the applicant has sought the following relief(s) :-

- i) To issue a suitable order or direction to respondent No.2 to accept the return applications form of applicant for appointment on the post of Gramin Dak Sewak Branch Post Master in different Branch Post Offices treating it to be received within time and consider his applications form for appointment.
 - ii) To issue a suitable order or direction to give the opportunity to the applicant to resubmit the applications form which return back and the respondent No.2 accept the same.
 - iii) To pass such other and further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.
 - iv) To award cost of the petition in favour of the applicant."
2. The applicant seeks the aforementioned relief on the ground that respondent No.2 returned back all the registered envelops containing his application form without any reason. This is apparent from the perusal of the envelops were upon no reason has been assigned as to why the envelops have been returned to the applicant which is an illegality. It was the duty of the postal department to deliver the registered envelops to respondent No.2 whose office is in the same premises as the concerned Post Office. Hence, the present OA.
3. In the counter affidavit, it has been averred that the applications sent by the applicant were received after 5.12.2013 i.e. the last fixed for receipt of applications. The applicant did not submit his applications to the Superintendent of Post Offices Mainpuri i.e Respondent No.2 but got his applications booked at Mainpuri HO by registered post on 4.12.2013. It is the further case of applicant that in compliance to para 4 on page No.3 of letter No. Mail/3-1/MNOP/11-12 dated 21.12.2013 from the Post Master General Agra Region Agra, all registered letters booked on 4.12.2013 at

Mainpuri H.O were to be consigned to Etawah R.M.S. Accordingly, all these articles were sent to Etawah R.M.S. on 4.12.2013 as reported by the Post Master Mainpuri H.O. vide his letter NO. H/PM/CAT 15-16 dated 4.6.2015. As the applicant's applications were received on 6.12.2013 from Etawah R.M.S. After the date fixed for the purpose i.e. 5.12.2013 and applicant's applications were refused and returned to him. It is specific case of respondents that the applications sent by the applicant were received after the last date i.e. 5.12.2013 and so the registered covers were returned back to the applicant. It is also the plea of respondents that Mainpuri Head Post Office where the registered letters were handed over and the office of the Superintendent of Post Offices Mainpuri (addressee of the registered letter) are not in the same campus. The online applications for engagement of GDS have been called for the posts for which notification dated 6.11.2013 has been cancelled.

4. We have heard and considered the argument of learned counsels for the parties and gone through the material on record as well as the written submissions filed by the respondents. In the written submission, the respondents have reiterated the averments made in the counter affidavit.
5. Undoubtedly, the registered covers even if received beyond the last date fixed by the notification could not have been returned back to the applicant but should have been retained with the recruitment record by the respondents after making a note of the same in their records as to receipt beyond last date.
6. The recruitment process pertains to the year 2013 and as per the respondents, the notification dated 6.11.2013 has been cancelled and replaced by the system of online applications for engagement of G.D.S.
7. So, as per the respective case of the parties, it comes out that respondents sent back the registered covers containing the

application forms, which ought not to have been done by the respondents as they should have kept the covers in their record. On the other hand, the respondents' case is that registered covers were received beyond the last date of submission and the process of recruitment of 2013 stands cancelled to the limited extent.

8. The fact remains that had the respondents not sent back the registered covers to the applicant, there may not have been any necessity for the applicant to file the O.A.
9. In these circumstances, the OA is disposed of with a direction to the respondents to consider the case of the applicant for future appointments after age relaxation, if required, in accordance with law. In view of facts of the case, cost of Rs.5000/- is awarded to the applicant against the respondents. No costs.

[Rakesh Sagar Jain]
Member-J

[Gokul Chandra Pati]
Member-A

Manish/-