

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

This the 14th day of *November, 2018*.

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

Original Application Number. 330/01200/2018.

Ashutosh Kumar Tripathi, aged about 31 years, S/o late Shri Shankar Dutt Tripathi, R/o Village and Post – Majhawa, District - Mirzapur.

.....Applicant.

VE R S U S

1. Union of India through the Secretary, Ministry of Communications, Department of Posts, Government of India, Dak Bhawan, New Delhi .
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Allahabad Region, Allahabad.
4. Superintendent of Post Offices, Mirzapur Division, Mirzapur.

.....Respondents

Advocate for the applicant : Shri B.N. Singh
Shri S.K. Dwivedi
Ms. Neelam Tiwari
Advocate for the Respondent : Shri L.P. Tiwari

O R D E R

(Delivered by Hon'ble Mr. Gokul Chandra Pati, A.M)

Present original application has been filed for a direction to the respondents to permit the applicant to apply and appear in the Limited Departmental Competitive Examination (in short LDCE) for

promotion to the post of Postal Assistant / Shorting Assistant for the year 2017-18 scheduled to be held on 09.12.2018.

2. Learned counsel for the applicant submitted that the applicant has filed OA No. 1014/2016 regarding his seniority issue, which is pending for adjudication in this Tribunal. In the meantime, the respondents have issued a notification dated 26.10.2018 for promotion to the post of Postal Assistant / Shorting Assistant through LDCE scheduled to be held on 09.12.2018. It is stated that in pursuance of the said notification, the applicant has already submitted his application but his apprehension is that he will not be allowed to appear in the examination due to pendency of OA No. 1014/2016. He therefore, pressed that a direction may be given to the respondents to permit the applicant to appear in the LDCE provisionally.

3. On the other hand, learned counsel for respondents requests some time to file short CA or obtain instruction from the department.

4. In view of the submissions of the counsel for the applicant and taking into account the limited prayer in the OA, it is felt that no purpose will be served if the OA is kept pending. Hence, the OA is disposed of at the admission stage with a direction to the respondents to accept the application of the applicant for the post in question and allow him provisionally to appear in the LDCE

scheduled to be held on 09.12.2018, if he is otherwise eligible except for the claim which is pending for decision in OA No. 1014/2016. However, the result of the applicant shall not be declared till final outcome of OA No. 1014/2016. After the decision of that OA, if the applicant is found eligible, then his result will be declared otherwise his candidature will be considered to be cancelled.

5. The OA is disposed of accordingly. No costs.

6. Copy of this order be given to the counsel for both sides today itself.

MEMBER- J.

MEMBER- A.

Anand...