

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.4/2016

New Delhi this the 19th day of January, 2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. Amit Rathee
S/o Shri Mahender Singh
R/o H.No.-667/25, Bhagwan Nagar
Rohtak Road, Jind-126102 (Haryana)
Aged about 24 years.
2. Shri Krishan
S/o Shri Bijender Singh
R/o V.P.O. Bhainsru Khurd, Teh: Sampla
Dist. Rohtak (Haryana) Pin Code -124 501
Aged about 27 years.
3. Amit Kumar
S/o Shri Suresh Kumar
R/o Vill. Bhanwar, P.O. – Khubru
Teh: Ganaur
Distt. Sonapat (Haryana) Pin – 131 101.
Aged about 22 years.
4. Hitesh Kumar
S/o Shri Rajender Singh
R/o 659/5, Vishal Nagar Near New Bus Stand
Rohtak – 124 001.
Aged about 20 years.
5. Mohan
S/o Shri Ved Prakash
R/o VPO – Dhigawa Mandi, Teh.-Loharu
Distt. –Bhiwani (Haryana) 127 201
Aged about 21 years.
6. Rohit Kumar
S/o Sh Shri Chand
R/o VPO – Majra Sheoraj, Teh. & Distt. –Rewari
(Haryana) Pin Code – 123 401.
Aged about 29 years.
7. Deepak
S/o Shri Prem Singh
R/o V.P.O. – Samchana Teh.-Sampla
Distt.-Rohtak (Haryana) 124 404.
Aged about 23 years.

8. Sumit
S/o Shri Dharampal
R/o V.P.O. Kheri Sadh, Distt. Rohtak
State-Haryana, Pin Code -124 001.
Aged about 26 years.
9. Sandeep Kumar
S/o Shri Birender Singh
R/o Vill.-Seka, Post – Mandhana
Teh.-Narnaul
Distt.-Mohinder Garh, Haryana
Aged about 24 years.
10. Hari Parkash
S/o Shri Jagdish
R/o H.No.662/21, Shastri Colony
Near J.K.R.School
Gohana-Sonepat -131 301.
Aged about 29 years.
11. Balwinder
S/o Shri Jagparvesh
R/o V.P.O. Neemriwali, Distt. Bhiwani
Aged about 24 years.
12. Naresh Kumar
S/o Shri Ramdhari
R/o V.P.o. Bainsi, Teh. Meham
Distt. Rohtak – 124 514
Aged about 30 years.
13. Shamsheer Singh
S/o Shri Parkash
R/o V.P.O. Khatkar, The. Narwana
Distt. Jind – 126 116 (Haryana)
Aged about 26 years.
14. Jeetesh Sharma
S/o Shri Shyam Sunder Sharma
R/o V.P.O.-Kharak Kalan, Pana
Biderwan, Near Shiva High School
Distt. Bhiwani, Pin Code-127 114 (Haryana)
Aged about 25 years.
15. Naresh
S/o Shri Subhash Chander
R/o V.P.O. – Narnaund, Distt. Hisar
The. Narnaund, Ward No.-04
Aged about 21 years.
16. Vijay Kumar
S/o Shri Jai Singh
R/o V.P.O. Budha Khera Lather
Teh. Julana, Distt.-Jind, 126 101 (HR.)

Aged about 27 years.

17. Naresh Kumar
S/o Shri Maha Singh
R/o 726/31, Shastri Colony, Gali No.-1
Gohana Road
Sonipat-131 301
Aged about 27 years.
18. Sunil
S/o Shri Dharampal Singh
R/o V.P.O. Silana, Dist. Sonapat
Teh. Kharkhoda, (H.R.) 131 408
Aged about 31 years.
19. Ashok Kumar
S/o Shri Braham Singh
R/o V.P.O. Rohad, Distt.-Jhajjar
Teh. Bahadurgarh (Haryana) 124 501.
Aged about 27 years.
20. Bir Singh Yadav
S/o Shri Laxman Singh
R/o VPO – Kharkada (Akoda)
Teh. & Distt. Mahendergarh (Haryana) 123 029.
21. Umed Singh
S/o Shri Jai Bhagwan
R/o V.P.O. Ahmedpur Majra, Tehsil – Gohana
Distt. – Sonipat -131 301
Aged about 28 years.
22. Ravi
S/o Shri Kartar Singh
R/o VPO Mauri, The – Charkhi Dadri
Distt.-Bhiwani – 127 022 Haryana
Aged about 25 years.
23. Sandeep Kumar
S/o Shri Sheokaran
R/o V.P.O. Gurera, Teh. Siwani Mandi
Distt. – Bhiwani, Haryanad Pin-127 046
Aged about 27 years.
(Terminated post-Assistants/sorting assistants)

...Applicants

(By Advocate:Shri Ajesh Luthra)

Versus

1. Union of India through the Secretary,
Ministry of Communications &
Information Technology,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi.

2. The Director General of Postal Service,
Department of Posts (Recruitment Division),
Dak Bhawan, Sansad Marg, New Delhi.
3. The Superintendent, RMS D. Division
Post Office Compound Nanakpura
New Delhi – 110 021. ... Respondents

(By Advocate:Dr. Ch.Shamsuddin Khan)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar, Member (J)

Heard both sides.

2. It is submitted that in the identical circumstances, the Hon'ble Apex Court in the case of **Monu Tomar vs. Union of India & Ors.** in Civil Appeal No.10513 of 2016 by order dated 13.07.2017 observed as under :-

"Permission to file SLP granted.

Delay condoned.

We have heard learned counsel for the appellants/petitioners and we have also heard learned Additional Solicitor General who has been instructed by officers of the concerned Department.

We have also perused the report of the Vigilance Committee set up by the Department.

We find from a perusal of the report of the Vigilance Committee that the entire examination was not necessarily vitiated but some persons who are suspected of having used malpractices in the examination of Postal Assistant/Sorting Assistant in five circles, viz., Uttarakhand, Rajasthan, Chhattisgarh, Haryana and Gujarat have actually been identified. The respondents will proceed against them in accordance with law but since they are quite a few in number, a formal show cause notice is dispensed with. However, they may be personally called and explained the allegations against them and given some reasonable time of about a week or ten days to give their reply to the allegations and then a final decision may be taken.

Those persons who are not suspected of having committed any malpractices and who have undergone the prescribed courses may be reinstated with all consequential benefits and 50% back wages with liberty to the respondents to take action against them in case subsequently it is found in the investigation that they have indulged in some malpractices.

We make it clear that the respondents are at liberty to take action against those persons who have violated the terms of the examination such as having appeared in more than one centre. Such violations will also be treated as malpractice.

We further make it clear that this order will not enure to the benefit of those persons who have not been given appointment letters. However, we also make it clear that those candidates who have not completed the course but were in the process of completing the course until the impugned action was taken may be permitted to complete the course/training provided they are not suspected of any malpractice.

The appeals and special leave petitions stand disposed of.

Pending applications are also disposed of.”

3. Both the counsels submit that the instant OA may be disposed of in terms of the aforesaid decision of the Hon’ble Apex Court. Accordingly, the OA is disposed of in terms of the decision in the case of **Monu Tomar (supra)** and the respondents shall pass appropriate orders within six weeks from the date of receipt of a copy of this order.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

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