

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-4718/2015

New Delhi, this the 21st day of August, 2017

Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Raj Vir Sharma, Member (J)

1. Govind Aged- 24 Years,
S/o Sh. Satvir Singh,
Working as Postal Assistant,
Under Supdt. Of Post Office, Faridabad
R/o Ward No.2, Saini Pura, Kharkhoda,
Sonipat, Haryana-131402
2. Manish, Aged-21 Years,
S/o Sh. Raj Singh,
Working as Postal Assistant,
Under Supdt. of Post Office, Faridabad
R/o V.P.O. Badli, Pana Churan,
Near Holi Chowk, Distt.Jhajjar (Har.)
3. Nikita Omprakash Rajput, Aged -26 Years,
D/o Sh. Om Prakash Rajput
Working as Postal Assistant
Under Supdt. of Post office, Faridabad
R/o 36 Quarter, Block No.14/64
Airport Road Bhuj, Gujarat
4. Shiv Kumar, Aged -24 Years,
S/o Sh. Raj Singh
Working as Postal Assistant
Under Supdt. Of Post office, Faridabad
R/o Hanuman Nagar, G.No.7
Kami Road, Near Sugar Mill,
Sonipat-131001
5. Amit Kumar, Aged- 27 Years,
S/o Sh. Sumer Singh,
Working as Postal Assistant,
Under Supdt. of Post Office, Faridabad
R/o V.P.O. Talao, Tehsil & Distt.
Jhajjar (Haryana-124103
6. Manoj Kumar, Aged -25 Years,
S/o Sh. Mahavir,
Working as Postal Assistant
Under Supdt. of Post Office, Faridabad
R/o 278/6, Adrsh Nagar Gohana
Sonipat (Haryana)

7. Rahul Yadav, Aged-24 Years,
S/o Sh. Pardeep Yadav
Working as Postal Assistant
Under Supdt. of Post office, Faridabad
R/o VPO –Surehil, Tehsil Kosli,
Distt. Rewari (Har.)
8. Hemant Kumar, Aged-20 Years,
S/o Sh. Rajesh,
Working as Postal Assistant,
Under Supdt. of Post office, Gurgaon
R/o Village Hari Nagar Dooma,
Post Office Farukhnagar,
Distt. Gurgaon (Haryana)
9. Vikas Kumar, Aged -23 Years,
S/o Sh. Sukram Pal,
Working as Postal Assistant,
Under Supdt. of Post office, Gurgaon
R/o Vill & Post Lilod,
Tehsil Kosli, Distt. Rewari (Haryana) ... Applicants

(By Advocate: Mr. Yogesh Sharma)

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 Services,
Department of Posts (Recruitment Division)
Dak Bhawan, Sansad Marg, New Delhi.
3. The Superintendent of Post Offices,
Faridabad Division, Faridabad (Har)
4. The Superintendent of Post Offices,
Gurgaon Division, Gurgaon ... Respondents

(By Advocate: Sh. Rajinder Nischal)

ORDER (ORAL)**Hon'ble Mr. Shekhar Agarwal, Member (A)**

Heard Sh. Yogesh Sharma, learned counsel for the applicants and Sh. Rajinder Nischal, learned counsel for the respondents.

2. It was stated before us that this OA was decided by this Tribunal vide its order dated 08.04.2015. The aforesaid judgment was challenged by the respondents before Hon'ble High Court of Delhi. Hon'ble High Court of Delhi has set aside order of the Tribunal vide order dated 21.09.2016. The applicants then approached Hon'ble Supreme Court vide SLP (C) No. 2154/2017 along with other connected matters. Hon'ble Supreme Court vide their order dated 13.07.2017 have passed the following order:

"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 course may be reinstated with all consequential benefits and 100% 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 malpractices.

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. Accordingly, this OA now stands decided in terms of the order of Hon'ble Supreme Court. The respondents are directed to implement the judgment within two months.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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