

OA.No.170/00247/2017/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00247/2017

DATED THIS THE 05TH DAY OF JUNE, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

1. Sri K.B. Shivaprasad

Age: 52 years,
S/o C. Basappa,
Working as SPM,
Tayulur S.O. 563136
And residing at:
Mathrushree Nilaya,
1st cross,
Teachers colony,
Near Water Tank,
Mulbagal – 563 131

2. A.S. Pandurangachar,

Age: 42 years,
S/o Sheshachar,
Working as P.A.
Mulbagal S.O.563131,
Residing at:
Behind raghavendraswamy Temple,
Agrahara,
Mulbagal-563 131

...Applicants

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Department of Posts,
Dak Bhavan, New Delhi – 110 001.

2. Chief Post Master General,
Karnataka Circle, Bengaluru – 560 001.

3. Post Master General,
S.K. Region, Bengaluru – 560 001.

4. Senior Superintendent of Post Offices,
Kolar Postal Division,
Kolar – 563 101.

...Respondents

(By Shri. K. Gajendra Vasu, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Apparently this matter is covered by other orders of various Tribunals as well as our order in OA No. 01610-01614/2015 dated 11.11.2016 wherein we have found that the Hon'ble Apex Court had time and again held that the right of a person for passing in an examination is in relation to the date of the examination and not of any subsequent date. That seems to be the issue here also. Since the matter is already covered, we allow this OA in terms of the earlier order we have issued as the matter is exactly similar. Shri P. Kamalesan, learned counsel for the applicants, points out that that there are other Tribunal judgments also in the same issue. But then, as we have followed the dictate of the Hon'ble Apex Court, there is nothing more need to be said as it is covered by the Hon'ble Apex Court order and our order which followed the Hon'ble Apex Court order.

2. The OA is allowed. The benefits to be made available to the applicants within 3 months next. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA No. 170/00247/2017

Annexure A1 Copy of Senior superintendent post offices, Kolar Letter No. B2/14/2003 dated 16.12.2003

Annexure A2 Copy of Senior superintendent post offices, Kolar Letter No. B2/57 dated 01.01.2004

Annexure A3 Copy of Senior superintendent post offices, Kolar Letter No. B2/18 dated 14.01.2004

Annexure A4 Copy of Senior superintendent post offices, Kolar Letter dated 10.08.2004, appointment orders for the applicants.

Annexure A5 Copy of Hon'ble Apex Court order dated 22.04.1977 in Civil Appeal No. 1172 of 1972 in the case of P.K. Rajamma vs superintendent of post offices and another.

Annexure A6 Copy of Central Administrative Tribunal, Ernakulam Bench order

dated 15.02.2016 in O.A. No. 20/2015

Annexure A7 Copy of Central Administrative Tribunal, Bangalore Bench order dated 11.11.2016 in O.A. No. 01610-01614/2015

Annexure A8 Copy of Central Administrative Tribunal, Principal Bench order dated 17.11.2016 in O.A. No. 3540/2015 and O.A. No. 613/2015

Annexures with reply statement

Annexure R1 Copy of the DoPT OM No. 2/8/2001 dated 16.05.2001

Annexure R2 Copy of D.O. No. R&E/1-23/Rectt/2002 dated 06.09.2002

Annexure R3 Copy of No 60-16/2002-SPB-1 dated 18.09.2003

Annexure R4 Copy of No. R&E/1-23/Rectt/2002/II dated 02.12.2003

Annexure R5 Copy of No. R&E/1-23/Rectt/2002/II dated 04.12.2003

Annexure R6 Copy of extract of Syllabus of Training page 24

* * * * *