

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Applications Nos.200/00595, 596 & 597/2018

Jabalpur, this Thursday, the 23rd day of August, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

1. Vinod Kumar Rathore,
S/o Late Gopichand Rathore,
DOB:10.12.1970,
Working as Office Assistant,
O/o Sr. Superintendent of Post Offices,
Raipur, R/o Kanchanganga,
Face-II Colony, Rohinipuram,
Raipur 492014 (C.G.) **-Applicant in O.A. No. 200/00595/2018**

2. Daulat Singh Thakur,
S/o Bhau Singh Thakur,
DOB 03.10.1971,
Working as Sub Post Master,
SHO-2, Bhatapara SO,
R/o Near JK Construction,
Santoshi Chowk, Kaushalpur,
Raipur C.G. 492001 **-Applicant in O.A. No. 200/00596/2018**

3. Anit Axeria, S/o Shri Ramnath Singh,
DOB 07.10.1982, Working as Office Assistant,
O/o Sr. Superintendent of Post Offices,
Raipur, R/o Street No. 8, V.V. Vihar,
Behind VIP Karisma Apartment, P.O. Saddu,
Raipur- 492014 (CG) **-Applicant in O.A. No. 200/00597/2018**

(By Advocate –**Shri Vijay Tripathi**)

V e r s u s

1. Union of India, through its Secretary,
Ministry of Communication & IT,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi-110001

2. Deputy Director General
(Postal Accounts and Finance),
Postal Accounts Wing,
Dak Bhawan, Sansad Marg,
New Delhi-110001

3. Assistant Director General (P.A.Admin)
Postal Accounts Wing,
Dak Bhawan,
Sansad Marg,
New Delhi-110001

4. Controller of Communications Accounts,
Department of Telecommunications,
Ministry of Information and Telecommunications,
Chattisgarh Circle,
Raipur 492001 (CG)

5. Chief Post Master General,
Chattisgarh Circle,
Raipur-492001 (CG)

6. Senior Superintendent of Post Offices,
Raipur Division,
Raipur 492001 (CG)

-Common Respondents in all the OAs

(By Advocate –**Shri Vivek Verma**)

(Date of reserving the order:-17.08.2018)

ORDER

By Navin Tandon, AM:-

The issue involved in all the Original Applications is the same. Hence, these are disposed off in a common order. The facts, stated in Original Application No. 200/00595/2018 are being mentioned here.

2. The applicant is aggrieved that his application for appearing in the Limited Departmental Competitive Examination (LDCE) for

recruitment of Assistant Accounts Officer (AAO) in the Cadre of IP&TAFS Group 'B' for the year 2018-19 has been rejected due to the photographs have not been attested by the controlling authority.

2.1 The brief facts of the case are that the applicant is working as Office Assistant with the respondent department. The respondent department had issued notification for LDCE for recruitment of AAO in the cadre of IP&TAFS Group 'B' for the year 2018-19 on 19.04.2018 (Annexure A-3).

2.2 Accordingly, the applicant filled up the application form and submitted to respondent No. 6 on 17.05.2018. Respondent No. 6 forwarded the same to respondent No. 4 for further action vide letter dated 29.05.2018 (Annexure A-5).

2.3 The applicant further submitted that respondent No. 6 has written letters dated 14.06.2018 (Annexure A-6) and 19.06.2018 (Annexure A-7) to respondent No. 4 submitting therein that non attestation of the photograph by the controlling officer is the mistake of the office of respondent No. 6. Therefore, the applicant should be allowed to participate in the examination.

2.4 Respondent No. 6 has already written similar letter dated 14.06.2018 to respondent No. 3 (Annexure A-6).

2.5 The respondent No. 4 has rejected the application vide its communication dated 12.06.2018 (Annexure A-1) for the following reason:-

“3. The Photographs have not been attested by the controlling authority.”

2.6 The applicants further submit that respondent No. 6 has also sent reminder to respondent No. 4 vide letter dated 19.06.2018 regarding status of re-consideration of the case of the applicant to higher authorities.

3. The applicants have sought for the following reliefs in this Original Application:

“8. Relief(s) Sought:

(8.1) Summon the entire relevant record from the possession of respondents for its kind perusal.

(8.2) Set aside the order dated 12.06.2018 Annexure A-1 with all consequential benefits.

(8.3) Direct the respondents to accept the candidature of the applicant and permit him to take part in the examination scheduled from 5th July 2018 for the post of AAO Cadre of IP&TAFS Group-B. If he is found suitable he may be appointed as AAO Cadre of IP&TAFS Group-B.

(8.4) Any other order/orders, direction/directions may also be passed.

(8.5) Award cost of the litigation to the applicant.”

4. The prayer of the applicants for interim relief was granted vide order dated 25.06.2018 of this Tribunal wherein the

respondents were directed to allow the applicant provisionally to participate in the said examination scheduled to commence on 05.07.2018 and the result of the said examination should not be declared without the permission of this Court.

5. The respondents in their reply have submitted that the respondent authority rejected the candidature of the applicant for the cadre of AAO cadre of IP&TAFS Group-B on the ground that the photographs of the applicant has not been attested by the controlling authority

5.1 Further, they have submitted that Govt. of India, Ministry of Communication & IT, Department of Post, Postal Account Wings issued examination notification for Limited Departmental Competitive Examination for recruitment to cadre of AAO cadre of IP&TAFS Group-B for the year 2018-19, date of notification 19.04.2018, date of commencement of examination fixed on 05.07.2018.

5.2 Learned counsel for the respondents further contended that the department has received more than 5000 application from all over country. They submitted that the examination has been conducted successfully.

6. Heard both the parties, and perused the records available on file. Learned counsels for both the sides argued on the same lines as per the pleadings available herein.

7. It is very clear from Para 7(i) of the Examination Notification dated 19.04.2018 that “the candidates must submit filled in application forms, duly attested by respective controlling officers, to the Heads of Divisions/units.

7.1 In the case of the applicant the Controlling Officer and the Head of the Division is the same. Being the Head of the Division it is the responsibility of the Controlling Officer to take proper steps before forwarding the form to respondent No.4.

7.2 Therefore, we see absolutely no reason why the applicant should be penalized for the mistake of respondent authority which he already accepted vide letter dated 14.06.2018.

8. Accordingly, the Original Application is allowed. Impugned order dated 12.06.2018 (Annexure A-1) is quashed and set aside. The respondents are directed to accept the candidature of the applicant for the post of AAO Cadre of IP&TAFS.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member