

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00608/2018

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

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

Navin Sudhakar Dole, working as Post Master-II,
DOB: 18.03.1972, R/o MIG-I, 764, Hudco, Bhilai,
District Durg-490009 (CG) -Applicant

(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 Wings, 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

6. Senior Superintendent of Post Offices,
Durg Division, Durg 490006 (CG) -Respondents

(By Advocate –**Shri Vivek Verma**)
(Date of reserving the order:-17.08.2018)

OR D E R

By Navin Tandon, AM:-

The applicant is aggrieved that his application for appearing in the Limited Departmental Competitive Examination (LDCE) for recruitment of AAO in the Cadre of IP&TAFS Group 'B' for the year 2018-19 has been rejected due to the application form being received after the due date.

2. The brief facts of the case are that the applicant is working as Postal 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).

2.1 Accordingly, the applicant filled up the application form and submitted it to respondent No.6 on 17.05.2018, as informed to him by respondent No.6 on 25.06.2018 (Annexure A-9) under RTI Act.

2.2 Learned counsel for the applicant submits that Para 9(a) of the Examination Notification dated 19.04.2018 clearly indicates that "***The last date for submission of filled in application forms by applicants to respective Heads of Division or Heads of Units (in cases other than Postal Divisions) is 21st May 2018***". Even this date was extended to 30.05.2018 vide notification dated 15.05.2018 (Annexure A-6).

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

“6. The Application form received after due date (i.e. after 31st of May 2018) i.e. on 01.06.18.”

2.4 The applicant further submits that based on the information available to him by respondent No.6, his application was sent to respondent No. 4 by speed post No. RC156085614IN, whose tracking report submitted in Annexure A-8 mentions that the item has been delivered on 31.05.2018 at 09:19:44 hours.

3. The applicant has 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 applicant for interim relief was granted vide order dated 27.06.2018 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 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 application form received after due date on 01.06.2018.

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 that the applicant has submitted his application as per time scheduled mentioned by the respondent authorities. Even respondent No. 6 vide its letter dated 28.05.2018 (Annexure A-7) have confirmed to respondent No. 4 that the applications were received within time.

7.1 Therefore, we see absolutely no reason why the applicant should be penalized for something which he has not guilty of.

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