

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00616/2018

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. Bhikhesh Kumar, S/o Shri Santram Verma,
Aged about 35 years, R/o Street No. 8, Kedar Bari
Ward No. 3, Dongargarh, District Rajnandgaon, 491445 (C.G.)

2. Manoj Kumar Sinha, S/o Shri Ram Dayal Sinha,
Aged about 35 years, R/o Additional Post Office Campus,
Balod, Distt. Balod 491226 (CG)

3. Rupesh Kumar Sahu, S/o Late Ram Singh Sahu,
Aged about 38 years, R/o First Floor of P.O. Building,
Jaistambh Chowk, Dongargarh, Distt. Rajnandgaon
491445 (CG)

-Applicants

(By Advocate –**Shri Vijay Tripathi proxy counsel**
of Shri Akash Choudhary)

V e r s u s

1. Union of India, through its Secretary,
Ministry of Communication,
Department of Post, Dak Bhawan, New Delhi-110116

2. The Assistant Director General (P.A.Admin)
Department of Post, Postal Accounts Wings, Dak Bhawan,
New Delhi-110116

3. The senior Accounts Officer (Admn.)
Office of Controller of Communication Accounts,
Chhattisgarh Circle, Raipur 492001 (CG)

-Respondents

(By Advocate –**Shri Vivek Verma**)

(Date of reserving the order:-17.08.2018)

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By Navin Tandon, AM:-

The applicants are aggrieved that their applications 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 application form being received after the due date.

2. The brief facts of the case are that the applicant No.1 is working as Postal Assistant and applicants Nos. 2 & 3 are working as Postmaster Grade I 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-2).

2.1 Accordingly, the applicants submitted their applications to Senior Superintendent of Posts on 21.05.2018 (Applicant No.1), 23.05.2018 (Applicant No.2) and 28.05.2018 (Applicant No.3).

2.2 Learned counsel for the applicants 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*". 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 applicants further submit that a bare perusal of Annexure A-4 (application forms of applicants) clearly shows that all the three applications were received before 31.05.2018.

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

“8. Relief(s) Sought:

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

(ii) Quash and set aside the impugned order dated 12.06.2018 (Annexure A-1).

(ii) Command and direct the respondents to accept the candidature of the applicants for the post of Assistant Accounts Officer and permit the applicants to appear the said examination.

(iii) After having found successful, pass consequential order in favour of the applicants as if the impugned order is never passed.

(iv) Any other order/orders which this Hon'ble Court deems, fit proper.

(v) Cost of the petition may also kindly be awarded.”

4. The prayer of the applicants for interim relief was granted vide order dated 02.07.2018 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 to 08.07.2018 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 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 applicants have submitted their applications as per time scheduled mentioned by the respondent authorities.

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