

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

...

OA NO.290/00070/2015

THIS, THE 12TH DAY OF JANUARY, 2018.

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CORAM:

**HON'BLE MR. R. RAMANUJAM, MEMBER (A)
HON'BLE MR. SURESH KUMAR MONGA, MEMBER (J)**

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**VIKRAM RAJ S/O SHRI SUKH RAM,
AGED ABOUT 20 YEARS,
R/O MEERPURA, POST GUNDAU,
TEHSIL SANCHORE,
DISTRICT JALORE, RAJASTHAN.**

...APPLICANT

BY ADVOCATE : MR. KAILASH JANGID

VERSUS

**1. UNION OF INDIA THROUGH THE SECRETARY,
MINISTRY OF COMMUNICATION & INFORMATION TECHNOLOGY,
DEPARTMENT OF POSTS,
DAK BHAWAN, NEW DELHI.**

**2. CHIEF POST MASTER GENERAL,
RAJASTHAN CIRCLE,
JAIPUR, RAJASTHAN.**

**3. SENIOR SUPERINTENDENT OF POST OFFICE,
UDAIPUR RAJASTHAN.**

**RESPONDENTS
BY ADVOCATE : MR. K.S. YADAV**

ORDER (ORAL)

...

**PER HON'BLE MR. R. RAMANUJAM, MEMBER (A):-
HEARD BOTH SIDES.**

2. LEARNED COUNSEL FOR THE APPLICANT SUBMITS THAT THE APPLICANT WAS SELECTED FOR THE POST OF POSTAL ASSISTANT IN THE YEAR 2014-2015. HOWEVER, BY AN ORDER DATED 05.02.2015 HIS CANDIDATURE WAS CANCELLED AND HIS NAME REMOVED FROM THE SELECT LIST BECAUSE A CRIMINAL CASE WAS PENDING AGAINST HIM UNDER SECTIONS 419 AND 420 OF INDIAN PENAL CODE.

3. IT IS SUBMITTED THAT THE CRIMINAL CASE HAD SINCE BEEN DECIDED IN FAVOUR OF THE APPLICANT AND THE APPLICANT HAD BEEN ACQUITTED. A COPY OF THE ORDER OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BHINMAL DISTRICT JALORE DATED 16.04.2015 IS PRODUCED IN SUPPORT OF THE CLAIM WHICH IS TAKEN ON RECORD.

3. THIS TRIBUNAL BY AN ORDER DATED 24.02.2015 HAD DIRECTED THE RESPONDENTS TO KEEP ONE OC/ GENERAL CATEGORY POST OF POSTAL ASSISTANT IN UDAIPUR DIVISION VACANT FOR THE NEXT 14 DAYS AND IT APPEARS THAT THE IR HAD BEEN CONTINUED THEREAFTER.

4. LEARNED COUNSEL FOR THE APPLICANT WOULD SUBMIT THAT SINCE THE APPLICANT IS ACQUITTED, HE HAD A RIGHT TO BE APPOINTED AGAINST THE SAID POST.

5. LEARNED COUNSEL FOR THE RESPONDENTS SUBMITS THE APPLICANT COULD MAKE A REPRESENTATION ALONG WITH A COPY OF THE ACQUITTAL ON RECEIPT OF WHICH THE RESPONDENTS WOULD TAKE NECESSARY ACTION IN ACCORDANCE WITH LAW.

6. IN VIEW OF THE SUBMISSION, THE OA IS DISPOSED OF WITH A DIRECTION TO THE APPLICANT TO FILE A REPRESENTATION ALONG WITH THE ACQUITTAL ORDER DATED 24.02.2015 BEFORE THE COMPETENT AUTHORITY FOR NECESSARY ACTION WITHIN 3 DAYS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER. ON RECEIPT OF SUCH REPRESENTATION ALONG WITH THE ACQUITTAL ORDER OF THE APPLICANT, THE RESPONDENTS CONSIDER THE REQUEST FOR RESTORATION OF THE APPLICANT'S NAME IN THE SELECT LIST OF 2014-2015 IN ACCORDANCE WITH LAW WITHIN A PERIOD OF TWO MONTHS THEREAFTER.

7. IT IS SUBMITTED THAT THE SELECTION PROCESS FOR THE SAID YEAR IS STILL TO FRUCTIFY EVEN FOR OTHER CANDIDATES. NEEDLESS TO SAY THAT IN THE EVENT OF THE APPLICANT'S NAME BEING RESTORED IN THE SELECT LIST IN THE AFORESAID MANNER, HE WOULD BE CONSIDERED FOR APPOINTMENT AS AND WHEN THE PROCESS FINALLY CONCLUDES.

8. OA IS DISPOSED OF IN THE ABOVE TERMS. NO COSTS.

(SURESH KUMAR MONGA)
MEMBER (J)

(R. RAMANUJAM)
MEMBER (A)

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