

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

...
OA NO. 290/00141/2016

THIS, THE 4TH DAY OF
JANUARY, 2018

...

CORAM: HON'BLE MR. PRASANNA KUMAR PRADHAN, MEMBER (A)
HON'BLE MR. SURESH KUMAR MONGA, MEMBER(J)

...

CHOKHA RAM CHAUDHARY S/O SHRI MEHRA RAM CHAUDHARY, AGED
ABOUT 35 YEARS, B/C- JAT, R/O-PLOT NO.41-A, GHACHI COLONY, NEAR PILI
TANKI, AF ROAD, BHAGAT KI KOTHI, JODHPUR (OFFICE ADDRESS:
WORKED AS SORTING ASSISTANT UNDER ST DIVISION, JODHPUR).

...APPLICANT

BY ADVOCATE : MR. S.P.SINGH

VERSUS

1. UNION OF INDIA, THROUGH THE SECRETARY, GOVERNMENT OF INDIA,
MINISTRY OF COMMUNICATION, DEPARTMENT OF POST, DAK BHAWAN,
NEW DELHI.
2. THE ASST. DIRECTOR GENERAL (DE), DAK BHAWAN, SANSAD MARG,
NEW DELHI- 110 001.
3. THE CHIEF POST MASTER GENERAL, RAJASTHAN CIRCLE, JAIPUR-302007.
4. SUPERINTENDENT OF RMS, ST DIVISION, JODHPUR.

....RESPONDENTS

BY ADVOCATE: MR. K.S.YADAV

ORDER (ORAL)

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PER SURESH KUMAR MONGA:

PURSUANT TO AN ADVERTISEMENT DATED 21.02.2014, THE
RECRUITMENT PROCESS FOR SELECTION ON THE POST OF POSTAL
ASSISTANT/SORTING ASSISTANT WAS SET IN MOTION BY THE
RESPONDENTS. THE APPLICANT, WHO IS AN EX-SERVICEMAN HAD APPLIED
FOR THE SAID POST AND APPEARED IN THE COMPETITIVE EXAMINATION.
HE WAS DECLARED SUCCESSFUL IN THE SAID EXAMINATION. HOWEVER,
HE WAS NOT ISSUED APPOINTMENT LETTER AS HE WAS NOT BEING
CONSIDERED EX-SERVICEMAN. HE SUBMITTED A REPRESENTATION

ALONGWITH DOPT LETTER, AND ULTIMATELY, THE CHIEF POSTMASTER GENERAL HAD DIRECTED TO CONSIDER HIS CASE AGAINST THE VACANCY OF EX-SERVICEMAN QUOTA. HOWEVER, BEFORE THE APPOINTMENT LETTER COULD BE ISSUED IN HIS FAVOUR, BECAUSE OF CERTAIN COMPLAINTS OF MALPRACTICES AGAINST SOME CANDIDATES, THE COMPETENT AUTHORITY ORDERED TO KEEP IN ABEYANCE ALL FURTHER APPOINTMENTS/TRAINING IN POSTAL CIRCLES, WHERE SUCH FLAWED RECRUITMENT PROCESS WAS UNDERTAKEN THROUGH PRIVATE AGENCY. SUBSEQUENTLY, VIDE ORDER DATED 11.12.2015, THE EXAMINATION IN 5 POSTAL CIRCLES INCLUDING RAJASTHAN WAS ALSO ORDERED TO BE CANCELLED.

2. BY WAY OF INSTANT ORIGINAL APPLICATION, THE APPLICANT HAS PRAYED FOR ISSUANCE OF A DIRECTION TO THE RESPONDENTS TO ISSUE THE APPOINTMENT LETTER W.E.F. 24.11.2014. IT HAS BEEN AVERRED THAT SIMILARLY SITUATED PERSONS HAVE ALREADY BEEN OFFERED APPOINTMENT AND THE APPLICANT HAS BEEN DENIED THE SAME ILLEGALLY AND ARBITRARILY.

3. DURING THE COURSE OF HEARING TODAY, THE LEARNED COUNSEL FOR THE RESPONDENTS PRODUCED A COPY OF THE ORDER DATED 13.07.2017 PASSED BY THE HON'BLE SUPREME COURT IN CIVIL APPEAL NO.10513 OF 2016 WHEREIN VARIOUS DIRECTIONS HAVE BEEN ISSUED WITH REGARD TO PROCESS OF SELECTION AND APPOINTMENTS OF THE POSTAL ASSISTANT/SORTING ASSISTANT MADE PURSUANT TO AFORESAID ADVERTISEMENT. THE LEARNED COUNSEL SUBMITTED THAT THE APPLICANT'S CASE FOR GRANT OF APPOINTMENT CAN BE CONSIDERED IN THE LIGHT OF THE ORDER PASSED BY THE HON'BLE SUPREME COURT AND THE INSTANT OA CAN BE DISPOSED OF BY ISSUING APPROPRIATE DIRECTIONS TO THE RESPONDENTS.

4. IN VIEW OF ABOVE SUBMISSIONS MADE BY THE LEARNED COUNSEL FOR THE RESPONDENTS, WE DEEM IT APPROPRIATE TO DISPOSE OF THE INSTANT OA WITH A DIRECTION TO THE RESPONDENTS TO CONSIDER THE CASE OF THE APPLICANT FOR ISSUANCE OF APPOINTMENT LETTER ON THE POST OF POSTAL ASSISTANT/SORTING ASSISTANT IN THE LIGHT OF THE ORDER DATED 13.07.2017 PASSED BY THE HON'BLE SUPREME COURT.

5. ACCORDINGLY, THE INSTANT OA IS DISPOSED OF. THE RESPONDENTS ARE DIRECTED TO CONSIDER THE APPLICANT'S CASE FOR APPOINTMENT ON THE POST OF POSTAL ASSISTANT/SORTING ASSISTANT IN THE LIGHT OF ORDER DATED 13.07.2017 PASSED BY THE HON'BLE SUPREME COURT IN CIVIL APPEAL NO.10513 OF 2016 AND, IN CASE, THE APPLICANT IS FOUND ENTITLED TO APPOINTMENT LETTER, THE SAME SHALL BE ISSUED TO HIM FORTHWITH. A FURTHER DIRECTION IS ISSUED THAT THE WHOLE EXERCISE SHALL BE UNDERTAKEN BY THE RESPONDENTS WITHIN A PERIOD OF TWO MONTHS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER.

6. ORDERED ACCORDINGLY. THERE SHALL BE NO ORDER AS TO

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COSTS.

(SURESH KUMAR MONGA)
MEMBER (J)

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

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