

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT BENCH AT RANCHI
OA/051/00544/18**

Date of Order: 11/09/2018

**C O R A M
HON'BLE MR. A.K. PATTNAIK, MEMBER[J]
HON'BLE MR. PRADEEP KUMAR, MEMBER[A]**

Amit Kumar, S/o Arun Kumar Jha, aged 31 years, resident at Baneshwar Nagar, Opposite Ketari Bagan, Lower Chutia, PO- Namkum- 834010, PS- Chutia, District- Ranchi, Jharkhand.

..... Applicant.

-By Advocate: - Mr. Rajendra Prasad

-Vrs-

1. The Union of India through the Secretary (Posts) & Chairman, Postal Service Board, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Assistant Director General (DE), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi- 110001.
3. The Chief Postmaster General, Jharkhand Circle, PO & PS- Doranda, Ranchi- 834002.
4. The Director Postal Service, Jharkhand Circle, PO & PS- Doranda, Ranchi- 834002.
5. The Assistant Director of Postal Services (Personnel), Jharkhand Circle, PO & PS- Doranda, Ranchi-834002.

..... Respondents.

-By Advocate - Mr. A.K. Sharma

**ORDER
[ORAL]**

Per A.K. Pattnaik, J.M.:- This OA has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 with the following prayers:-

“(i) That Your Lordships may graciously be pleased to declare the impugned order no. A-34012/09/2016-DE dated 04.12.2017 (Annexure A-10 issued by the respondent nNo. 2 as illegal, arbitrary and in violation of Article 14 & 16 of the Constitution of India and set aside and quash the said illegal orders.

(ii) That Your Lordship may graciously be pleased to direct the respondent No. 1 to consider the claim of this applicant for his promotion to the cadre of Inspector Post for the year 2015-16 in place of Abhishek Kumar who has already been promoted to the Inspector Post in the LDC examination for the year 2014.

(iii) That Your Lordships may graciously be pleased to direct the respondents not to discriminate this applicant and to consider his claim for promotion to the Inspector Post cadre by modifying the result as per merit position in the Limited Departmental Competitive Examination for the year 2015-16 with consequential benefits.

(iv) That Your Lordship may graciously be pleased to grant such other or further benefits as this Hon’ble Tribunal deem fit in the facts and circumstances of this case; AND

(v) That Your Lordship may graciously be pleased to award costs of this application, because the applicant is being dragged into avoidable litigation. ”

2. The sum and substance of the case as per the applicant is that the applicant appeared in the LDC Examination for promotion to the cadre of Inspector Posts for the year 2015-16 bearing Roll No. 11000031 under unreserved (UR) quota held on 22.10.2016 and 23.10.2016 [Annexure A/2, A/3 & A/4]. The applicant having obtained 786 marks was ranked 4th as per the Combined Master List in Jharkhand Circle as per result dated 21.06.2017 (Annexure A/5 & A/6). It is submitted that prior to issuance of result dated 21.06.2017 the respondents were directed by this Tribunal vide order dated 21.04.2017 in OA/051/00174/2016 to modify the result of LDC

examination for the year 2014 and include the name of Kumar Abhishek with consequential benefits (Annexure A/7) and accordingly Shri Kumar Abhishek was selected. The applicant submitted his representation dated 26.08.2017 (Annexure A/9) to the respondent no. 1 for declaring his result for LDCE 2015-16 since Kumar Abhishek had already been selected in the LDCE 2014, but the said representation was rejected vide the impugned order dated 04.12.2017 (Annexure A/1). Thereafter, the applicant submitted his appeal dated 26.08.2017 (Annexure A/10) to the respondent no. 1 against the impugned order dated 04.12.2017 pleading for similar benefits as has been granted to similarly situated persons. The said appeal is still pending before the respondents.

3. As his appeal dated 26.08.2017 is stated to be pending before respondent no. 1, we dispose of this OA without entering into the merit of the case with direction to respondent no. 1 that if any such appeal is still pending consideration then the same may be considered keepinsg in mind the benefit granted to other similarly situated candidates as mentioned in the OA. After such consideration if the applicant's grievance is found to be genuine then the respondents are directed to consider the case of the applicant for similar benefits as has been granted to other similarly situated candidates as mentioned above within a period of six weeks of receipt of this order .

5. With the aforesaid observation and directions, this OA is disposed of. No order as to costs. As prayed for by the learned counsel for the applicant, a copy of this order along with the copy of OA in paper book format along with his appeal dated 26.08.2017 (Annexure A/10) be submitted to respondents no. 1 by speed post for which the applicant will deposit the cost with the registry within a period of 7 days.

[Pradeep Kumar]/M[A]

[A.K. Pattnaik]/M[J]

Srk.