

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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**ORIGINAL APPLICATION NO. 060/1272/2018 & M.A. No.
60/618/2019 & M.A. NO. 60/648/2019**

Chandigarh, this the 10th day April, 2019

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Manjit Kaur w/o Sh. Pardeep Kumar, age 38, resident of Nice Digital Studio, Thana Bazar, Near New Bus Stand, Jalalabad (West), Fazilika 152024 (Group-C).

....APPLICANT

(By Advocate: Shri Vikrant Attri)

VERSUS

1. Union of India through Secretary to the Govt. of India-cum-Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Director, Postal Services ® Office of Post Master General, Punjab west Region, Sansad Bhawan, Sector 17, Chandigarh 160017.
3. Superintendent of Post Office, Kapurthala Division, GPO, Kapurthala 144601, Punjab.

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

Learned counsel for the parties are in agreement that this Original Application can be disposed of in terms of the decision of this Tribunal dated 19.3.2019 in O.A. No. 60/859/2017- **Sanjeev Kumar vs Union of India & Another**, wherein similar controversy has been put to rest.

2. In view of above, this O.A. is disposed of in terms of the decision rendered in the case of **Sanjeev Kumar** (supra). The relevant paras of the said order read as under:-

“8. It is not in dispute that judgment passed by the Hon’ble Supreme Court in the case of Monu Tomar (supra) in the matter of same very examination where Lordships have noted that respondent postal department has suspected use of malpractices in the examination of Postal/Sorting Assistant in five circles viz. Uttarakhand, Rajasthan, Chattisgarh, Haryana and Gujrat and have cancelled the entire selection and though lordships have dispensed with issuance of a formal notice but have recorded a finding that respondents cannot throw persons out of service and have directed respondents to give candidates personal call to give their reply within a week or ten days to the allegations and only thereafter, they can pass order. This window which has been given to persons whose selection has been labelled as tainted, has not been complied with. Respondents have passed impugned order on the basis of report given by Central Forensic Lab, Chandigarh ,but before that they had not given chance to applicant to submit his defence against that report.

9. In view of the above, we are left with no option but to quash and set aside the impugned order. Accordingly, the matter is remitted back to the respondents to comply with the direction contained in the judgment in the case of Monu Tomar (supra) and thereafter pass fresh order. Relevant para of the said order reads as under:-

“We find from a perusal of the report of the Vigilance Committee that the entire examination was not necessarily vitiated but some persons who are suspected of having used malpractices in the examination of Postal Assistant/Sorting Assistant in five circles, viz. Uttarakhand, Rajasthan, Chhattisgarh, Haryana and Gujarat have actually been identified. The respondents will proceed against them in accordance with law but since they are quite a few in number, a formal show cause notice is dispensed with. However, they may be personally called and explained the allegations against them and given some reasonable time of about a week or ten days to give their reply to the allegations and then a final decision may be taken.

Those persons who are not suspected of having committed any malpractices and who have undergone the prescribed courses may be reinstated with all consequential benefits and 50% back wages with liberty to the respondents to take action against them in case subsequently it is found in the investigation that they have indulged in some mal practices.

We make it clear that the respondents are at liberty to take action against those persons who have violated the terms of the examination such as having appeared in more than one centre. Such violations will also be treated as mal practice.

We further make it clear that this order will not enure to the benefit of those persons who have not been given appointment letters. However, we also make it clear that those candidates who have not completed the course but were in the process of completing the course until the impugned action was taken may be permitted to complete the course/training provided they are not suspected of any malpractice.”

10. Quashing of the impugned order will not entitle the applicant for reinstatement and he will not be entitled to other benefits as we have quashed the impugned order only on the ground that Hon’ble Supreme Court has given a window to the respondents and they have to comply with the directions given to them in the case of Monu Tomar (supra). Respondents are also directed to supply the documents to the applicant, based on which they have passed termination order so that he can submit his defence. Let the above exercise be carried out within a period of two months from the date of receipt of a certified copy of this order.

11. Both the O.As along with M.A. stand disposed of in the above terms. No costs.”

Pending M.As stand disposed of.

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 10.04.2019

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