

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00405/2018

Date of Order: This, the 12th day of December 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Mridul Das, Postal Assistant
Son of Sri Bhupendra Narayan Das
Vill + P.O. – Pipalibari, Via – Chamata
Dist – Nalbari, Assam.

...Applicant

By Advocate: Mr. D.N. Sarma

-Versus-

1. Union of India
Represented by the Secretary
Govt. of India, Ministry of Communications
Department of Posts, India.
2. The Secretary, Govt. of India
Ministry of Communications
Department of Telecommunications, India.
3. The General Manager
O/o the General Manager (Fin)
Postal Accounts Wing
New Delhi – 100054.
4. The Chief Post Master General
Assam Circle
Guwahati – 781001.
5. The Director of Accounts (Postal)
Assam Circle, Rehabari
Guwahati – 781008.

6. The Controller of Communication Accounts
Assam Circle, Guwahati – 781001.

...Respondents

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

By this O.A., applicant makes a prayer for a direction to the respondent authorities to rectify the error made in the merit list and result sheet dated 01.10.2018 and declare the applicant qualified in the said LDCE AAO examination for 2018-19 and promoted with effect from the date of joining of his junior in the promoted post.

2. Mr. D.N. Sarma, learned counsel for the applicant submitted that the applicant being a Schedule Caste candidate was appointed as Postal Assistant on 01.02.2010 in the Postal Department in Goalpara Division, Dhubri and transferred to Nalbari Barpeta Division, Nalbari. According to Mr. Sarma, name of the applicant has been placed at serial 118 in the gradation list of Postal Assistant, Nalbari-Barpeta Division and one incumbent namely Shri Gitu Barman, a postal assistant who was transferred from Silchar has joined in the Barpetal-Nalbari and placed in the gradation list at serial 124.

Since his junior has been allowed to appear in the examination, he was also permitted to appear in the said examination.

3. Mr. sarma further submitted that as per the notification of the Limited Departmental Competitive Examination (LDCE) for recruitment of Assistant Accounts Officer (AAO) cadre of IP & TAFS Group – 'B' for the year 2018-19, the applicant applied for the above examination and accordingly he appeared at the said examination held on 05.07.2018 to 08.07.2018. Results were declared on 01.10.2018 with 949 successful candidates out of 1208 where some candidates listed at Sl. No. 248, 604, 612, 682, 845 and 908 who have not fulfilled the eligibility criteria to appear in the LDCE have been qualified in the LDCE. The postal assistants who have joined in their services in the year 2010 have also been declared qualified as on 30.05.2018, whereas they have not completed 9 years of service. According to Mr. Sarma, the respondents without verifying the genuineness of dates of joining in service and educational qualification (Graduation) of the candidates, not only declared the results but issued posting orders which has whimsically deprived the applicant from promotion to AAO cadre.

4. Being aggrieved with the action of the respondent authorities, the applicant submitted a representation on 28.08.2018 to the respondent No. 5, i.e. Director of Accounts (Postal), Meghdoot Bhawan, Guwahati, who is the State Nodal Officer for the said LDCE AAO 2018-19. But no action has yet been taken. Accordingly, learned counsel for the applicant agreed and submitted before the BAR that he has no objection if a direction is issued to the respondents to dispose of the representation dated 28.08.2018 pending with the respondent No. 5 within a time frame by affording adequate opportunity to the applicant of being heard.

5. In view of the above, by accepting the prayer made by the learned counsel for the applicant and without going into the merit of the case as well as without issuing notice and hearing to the respondents, we direct the respondent authority more particularly respondent No. 5, i.e. Director of Accounts (Postal), Meghdoot Bhawan, Guwahati, who is the State Nodal Officer for the said LDCE AAO 2018-19 to dispose of the pending representation dated 28.08.2018 and pass a reasoned and speaking order by affording adequate opportunity to the applicant of being heard within a period of three months from the date of receipt copy of this order.

6. It is made clear that whatever decision to be arrived by the respondent No. 5 shall be communicated to the applicant forthwith.

7. O.A. stands disposed of accordingly at the admission stage itself. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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