

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00607/2018

Jabalpur, this Friday, the 29th day of March, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Smt. Abha Verma, W/o Anil Kumar Verma, D.O.B-07.12.1972,
Mob. No. – 7725083133, Present Post – Postal Assistant, Bilaspur
Head Office, R/o H. No.10, Nand Vihar Colony, Narmada Nagar,
Bilaspur – 495001 (C.G) **-Applicant**

(By Advocate – Shri S.K. Nandy)

V e r s u s

1. Union of India through its Secretary, Ministry of
Communication, Department of Posts, Dak Bhawan, Sansad Marg,
New Delhi – 110001.

2. Director General Accounts Wing (Examcell) Department of
Posts, Dak Bhawan, Sansad Marg, New Delhi – 110001.

3. Chief Controller (Nodal Officer) Controller of Communication
Accounts, Chhattisgarh Circle, Raipur – 492001 (C.G.).

4. Superintendent of Post Offices, Bilaspur Division, Bilaspur –
495001 (M.P.) **- Respondents**

(By Advocate – Shri Vivek Verma)

(Date of reserving order : 26.03.2019)

O R D E R

By Ramesh Singh Thakur, JM.

This Original Application has been filed by the applicant
against the order dated 22.06.2018 (Annexure A-1) passed by the

respondent No.3, whereby the application submitted by the applicant for participating in the Limited Departmental Competitive Examination (LDCE) for recruitment to AAO cadre of IP&TAFS Group 'B' for the year 2018-19, has been rejected.

2. The applicant has, therefore, sought for the following reliefs:

“8. Relief Sought:

- (i) Summon the entire relevant record from the respondents for its kind perusal;
- (ii) Set aside the order dated 12.06.2018 Annexure A/1, communicated to the applicant on 15.06.2018 and command the respondents to allow to appear in the examination by issuing her the admit card. Further command the respondents if she finds suitable she may be appointed/promoted to the post of AAO with all consequential benefits from the date of vacancy.
- (iii) Any other order/orders, direction/directions may also be passed.
- (iv) Award cost of the litigation to the applicant.”

3. The case of the applicant is that she was initially appointed on the post of Postal Assistant on 21.01.1993. After acceptance of 6th CPC recommendations w.e.f. 01.09.2008, the applicant was granted the benefit of MACP-1 in the Grade Pay of Rs.2800/- in the year 2010. Thereafter she was granted MACP-2 w.e.f. 06.02.2013 vide order dated 16.10.2012 (Annexure A-5) in the Grade Pay of Rs.4200/-.

4. The respondent No.3 has issued a notification dated 19.04.2018 (Annexure A-2), notifying 1010 vacancies (tentative) to be filled amongst the eligible candidates as per the Recruitment Rules, as per which, a person is required to complete four years of requisite service to participate in the examination.

5. The applicant submits that by virtue of financial upgradation granted under the MACP scheme, she was placed in the Grade Pay of Rs.4200/- w.e.f. 06.02.2013. The Grade Pay of Rs.4200/- has been revised as Level-6 in the 7th CPC. Thus, the applicant is holding the post in Level-6 for more than five years and is eligible to participate in the examination. She submitted her candidature by filling the form manually as per the proforma attached with the notification in the office of respondent No.4, which was duly forwarded to respondent No.3. However, vide letter dated 12.06.2018 (Annexure A-1), her candidature has been rejected on the solitary ground that she has not filled the information required in Column No.12.

6. It has been further submitted by the applicant that the applicant had committed a bonafide mistake which was not intentional to suppress any material fact. Further, the column

No.12 of the application is regarding date of continuous appointment in present level. The applicant has already completed more than five years of service in the present Level-6. Hence, she was eligible to participate in the examination in anyway. Therefore, the action of the respondents in not allowing her to participate in the examination is bad in law.

7. Learned counsel for the applicant placed reliance on a decision of the Hon'ble Supreme Court in the case of **Arunima Baruah vs. Union of India & Ors.** [2007] Insc 464.

8. This Tribunal vide interim order dated 28.06.2018, directed the respondents to allow the applicant to participate in the examination provisionally, however, her result in the said selection, was subject to outcome of this Original Application.

9. The respondents have filed their reply. In their preliminary submission, it has been stated that application of the applicant is rejected due to the fact that she had not fulfilled the complete form (serial no.12) despite the specific condition mentioned in the notification. It has been further submitted that the instructions for filling the application form were provided in Clause 2 of the examination notification, as per which, incomplete applications in

any respect are liable to be rejected at any stage of the examination process without any notice. The applicant, without following the instructions, submitted the incomplete application form. Therefore, the department has rightly rejected the application of the applicant. It has been also submitted by the respondents that in compliance of the orders of this Tribunal the applicant had been provisionally allowed by issuing Admit Card for appearing in the examination

10. Heard learned counsel for the parties and perused the pleadings and the documents available on record.

11. From the pleadings, it is an admitted fact that the applicant has applied for the post of AAO in pursuance of Annexure A-2 notification. It is also admitted fact that the applicant has not filled up the column No.12 of the application form. The case of the applicant is that by mistake the column No.12 could not be filled up. On the other hand, the respondents have submitted that as per instructions at page 31 of the O.A for filling the application form, the applicant did not fill up column No.12 and, therefore, after due scrutiny of the application forms, her candidature was rejected on this account.

12. The reliance placed by learned counsel for the applicant in the case of **Arunima Baruah** (supra), is not applicable in the facts and circumstances of the present case, as the applicant was fully aware of the fact that incomplete application will result in rejection of her candidature.

13. The learned counsel for the respondents has placed reliance on a decision of this Tribunal in Original Applications Nos.267/2014 & 268/2014, decided on 11.02.2015, whereby the similar issue has been dealt by this Tribunal and it has been held that the application submitted by the applicant, if not in conformity with the provision of the notification for employment, the candidature of the applicant is liable to be rejected.

14. We have perused the Annexure A-2 examination notification and the instructions contained therein for filling the application form. Clause 2 of which specifically provides that, “Applications incomplete in any respect are liable to be rejected at any stage of the examination process without any notice.” Since, despite the specific instructions, the applicant failed to fill up the Column No.12 of the application form regarding date of continuous appointment in present level, therefore, her candidature has rightly been rejected by the respondent department. Therefore, we do not

find any fault in the action of the respondents in rejecting the candidature of the applicant.

15. In view of the above, we do not find any merit in this Original Application. Hence, the O.A is dismissed. No order as to costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-