

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 2752/2019

M.A No. 3026/2019

M.A No. 3027/2019

New Delhi this the 18th September, 2019

HON'BLE SH. PRADEEP KUMAR MEMBER (A)

HON'BLE SH. ASHISH KALIA MEMBER (J)

1. Sukhvinder Jaibirsingh aged 26 years
S/o 17C, Gali No. 9 near B.D School,
Azadnagar, Panipat, Haryana- 132103
Group-C Employee Post of Postal
Assistant, RMS, Ahmedabad-2, Gujarat
2. Yogesh s/o Ramesh Bhai Bhardwaj aged 26 years
r/o RZ S-13, Vijay Vihar, Uttam Nagar,
New Delhi- 110015
Group- C Employee, Rajkot Division, Rajkot
Gujarat- 360001
3. Sudhir Kumar aged 25 years
r/o Bucholi, Mahendargarh,
Haryana- 123034
Group- C Employee, Jamnagar Division, Jamnagar
Gujarat- 361001
4. Mahipal s/o Madanlal Mitharwal aged 25 years
r/o Dhani-Purawali Village Jajod, Tehsil- Khandela,
Rajasthan- 332722, Group-C employee,
Gandhinagar Division, Gandhinagar, Gujarat- 382010
5. Ajay Kumar s/o Sukhvir Singh aged 26 yearas
VPO Norojpur Gujar, Baghat, U.P
Group-C Employee, Rajkot Division
Rajkot, Gujarat
6. Pramila Devi w/o Krishan aged 26 years
r/o VPO Kheri Khummar, Tehsil & District-Jhajjar,
Haryana- 124013
Group-C Employees, Amreli
Division, Amreli, Gujarat.

7. Pramendra Singh aged 26 years
r/o Village Narojpur, Tehsil Baghpat,
Baghpat, 250601 U.P
Group C Employee, Amreli Division
Amreli, Gujarat.

.....Applicant

(By advocate: Sh. A.K. Behra with Sh. Ronak Karanpurai)

Versus

1. Union of India
Min. Of Communication &
Information Technology Department
Of Posts through Its Secretary, Dak
Bhawan, Sansad Marg, New Delhi.
2. The Director General of
Postal Service, Department of
Posts (Recruitment Division)
Dak Bhawan, Sansad Msarg,
New Delhi.
3. Superintendant Post Offices
RMS AM-Division, Ahmendabad
Gujarat.
4. Superintendent Post Offices
Rajkot Division, Rajkot, Gujarat
5. Superintendant Post Offices
Jamnagar Division, Jamnagar
Gujarat-361001
6. Superintendant Post Offices
Amreli Division, Amreli, Gujarat-365601

.....Respondents

(By Advocate : Sh. S. M. Zulfiqar)

ORDER (ORAL)**HON'BLE SH. ASHISH KALIA MEMBER (J)**

1.0 By filing this original application, the applicants have sought following reliefs: -

- (i) Direct respondents to decide the reply/representation (Annexure A-2) submitted by applicant in response to the show cause notice (Annexure A-1) within a period of 4 weeks.
- (ii) Direct the respondents to allow the applicant to join their services with full back wages.
- (iii) Any other relief the Hon'ble tribunal deems fit and proper in the facts and circumstances of the case.

2.0 In present original application, there are seven applicants who have approached this Tribunal. Background of this case is that in the year 2014, advertisement was issued for filling the posts for Postal Assistant/Sorting Assistant by the respondents. Applicants have duly qualified the said examination and were given posting in Gujarat circle.

3.0 Thereafter, the respondents have terminated them from the service of the applicants and they had approached Ahmedabad Bench of this Tribunal. The learned Central Administrative Tribunal, Ahmedabad Bench allowed the original applications filed by the similar situated candidates of Gujarat Circle whose services were terminated by the Department. The learned Central Administrative Tribunal,

Ahmedabad Bench was pleased to quash the order dated 23.12.2015 by which the result of examination of direct recruitment of Postal Assistant/ Sorting Assistant for the year 2013-2014 were cancelled. The CAT, Ahmedabad Bench was pleased to keep the select list in abeyance and further directed the Department to thoroughly investigate the matter in fair and transparent manner within a period of three months.

4.0 The Hon'ble High Court of Gujarat at Ahmedabad was pleased to set aside the orders passed by the CAT Ahmedabad Bench and consequently the action of the Department in cancelling the entire result of Postal Assistant/ Sorting Assistant direct recruitment examination 2013-14 and consequent action of termination of appointed candidates was confirmed by the Hon'ble High Court.

5.0 The Hon'ble Supreme Court was pleased to dispose of Civil Appeal No. 10513 of 2016 filed against the order dated 16.08.2016 passed by the Hon'ble High Court of Gujarat at Ahmedabad and other connected Civil Appeals/S.L.Ps by holding that from the perusal of vigilance report, 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 and the department will proceed against them in accordance with law.

- 6.0 Their grievance is that they were issued a show cause notice which indicated remarks like “**OMR Sheet Column 2 not bubbled**” or “**wrong Registration Number written and bubbled in OMR sheet**” or “**overwriting/change in OMR**” or “**OMR Sheet Column No. 2 whitener used**” or “**mismatch of Registration Number in Registration slip and in OMR Sheet**” or some such similar remarks.

In Column 2 of OMR Sheet, roll number was to be written in digits as well as corresponding bubbles were to be filled up. While digits were written, bubbles were not filled up and in some other case there was some other discrepancy. It was pleaded that their OMR sheet was evaluated as it was only after such a stage that they were appointed.

- 7.0 However, they had replied to the show cause notice dated 23.04.2015 as well as another notice dated 25.04.2019

within allowed time. Neither have those representation been replied nor have they have reappointed.

8.0 The applicants are out of job and are pressing for disposal of their representations. We are convinced that the respondents should decide the representations by passing orders. **M.A. No. 3026/2019** for joining is allowed. **M.A No. 3027/2019** for exemption is dismissed.

9.0 The respondents are directed to decide the individual representations within a period of 30 days under advice to respective applicants. In case, some grievance still subsists, applicants may approach this Tribunal.

10.0 No order as to costs.

(SH. ASHISH KALIA)
Member (J)

(PRADEEP KUMAR)
MEMBER (A)

/pinky/