

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

OA 30/2019

This the 01st day of August, 2019

Hon'ble Mr. Pradeep Kumar, Member (A)

Hon'ble Mr. R.N. Singh, Member (J)

1. Rajbir S/o Shri Ramesh Chandra,
Group C
(Postal Assistant) aged about 29 years
VPO Panchi Jattan
Tehsil Ganaur, Sonapat,
Haryana-131102
2. Parveen S/o Shri Rajpal
Group C
(Postal Assistant) aged about 23 years.
VPO Gohana, Sonapat,
Haryana-131024
3. Dinesh S/o Shri Rajinder
Group C
(Postal Assistant) aged about 25 years
VPO Rolad Lalifpur
Tehsil Gohana, Sonapat,
Haryana -131024
4. Amti S/o Shri Satbir
Group C
(Postal Assistant) aged about 25 years
VPO Panchi Jattan
Tehsil Ganaur, Sonapat,
Haryana-131102
5. Ravi s/o Shri Barat Singh
Group C
(Postal Assistant) aged about 27 years
VPO Bidhlan,
Tehsil-Kharkhoda
District Sonapat,
Haryana-131402

6. Kapil Dev S/o Shri Raghubir Singh
Group C
(Postal Assistant) aged about 30 years
VPO Kirthal, Baghpat, U.P.
7. Sunil Kumar s/o Satyawar Singh
Group C
(Postal Assistant) aged about 34 years
F-54 Trans Yamuna colony
Phase-II, Rambagh, Agra,
U.P.-282006
8. Neeraj, S/o Shri Sumer Singh
Group C
(Postal Assistant) aged about 27 years.
VPO Chatiya Devi, Post Juan,
Sonapat, Haryana 131001
9. Pradeep S/o Shri Satywan
Group C
(Postal Assistant) aged about 27 years.
Village Chetiya, Deva Post-Juan,
District Sonapat
Haryana- 131001
10. Shri Ankit Kumar S/o Sh. Vijay Pal Singh
Group-C
Village & Post-Rohta
Meerut, U.P.-250502
11. Shri Kuldeep Kumar S/o Shri Laxman Singh
Group C
Village & Post Rohta, Meerut
U.P.-250502
12. Shri Nitin Kumar S/o Shri Pramod Kumar
Group C
Village & Post Niloha The- Mawana, Meerut,
U.P.-250401
13. Shri Trang Chaudhary
Group C
S/o Sh. Sanjay Singh
R/o Gali No. 1,
Niwadi Road Defense Colony

Modinagar
Ghaziabad-201204

14. Shri Rahul S/o Shri Dinesh
Group-C
Village Akhyarpur Post Daurala
Meerut, U.P. 250221

...Applicants

(By advocate: Sh. A.K. Behera with Sh. Yogesh Kumar Mahur, Sh. Harkesh and Sh. Ronak Karanpuria)

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 Marg,
New Delhi
3. Sr. Superintendent Post Offices
Bilaspur-Division,
Chhattisgarh
4. Sr. Superintendent Post Offices
Raipur-Division,
Chhattisgarh
5. Sr. Superintendent Post Offices
Bastar-Division,
Chhattisgarh
6. Sr. Superintendent Post Offices
Bhilai-Division,
Chhattisgarh
7. Sr. Superintendent Post Offices
Jagdalpur-Division,
Chhattisgarh

8. Sr. Superintendent Post Offices
Raigarh-Division, Chhattisgarh

...Respondents

(By advocate: Sh. U. Srivastava)

ORDER (ORAL)

By Hon'ble Mr. R.N. Singh, Member (J),

Heard learned counsel for the parties.

2. The applicants, 14 in number have filed the present O.A. u/s 19 of AT Act 1985, challenging the impugned Show Cause Notice, issued to the applicants by the respondents on different dates but identical in nature (Annexure A-I)(Colly). The impugned Show Cause Notice required the applicants to submit their reply within 10 days from the receipt thereof and the observations of the Committee constituted by the respondents have been indicated in each of such Show Cause Notice, for example in the case of applicant No. 1, i.e. Mr. Rajbir it is noted as "Signature on OMR sheets, Data Entry and Typing Test Sheet appears to be of the same candidate but appears to be different from the signature available on online registration". It relates to fresh recruitments.

3. The impugned Show Cause Notices indicate that the same have been issued by the respondents in compliance to

the judgment of the Hon'ble Apex Court in Special Leave Petition (C) No. 8642-8644/2017, decided on 28.03.2018.

4. When the matter was taken up for final hearing, it has been argued by learned counsel for the applicants that as on date, the basic grievance of the applicants in the present case is that though vide impugned Show Cause Notices the applicants were required to submit their explanation by way of reply/representation within 10 days of receipt thereof and the applicants have complied with such requirements by making comprehensive reply/representation (Annexure A-10) (Colly), however, even after lapse of 12-13 months the respondents have not taken the final decision in the matter.

5. In response to the notice issued by this Tribunal, the respondents have filed counter affidavit on 21.05.2019 and in para 12 thereof, the respondents have contended that the documents of the candidates have been forwarded to the CFSL, Bhopal for signature verification. They further submit that several approaches were made to get the verification done at the earliest, but CFSL, Bhopal did not take up the cases citing the reasons of huge pendency with them. It has further been contended that delay is not on the part of the answering respondents and if the report of CFSL is received, action would be taken accordingly. To support their

such contention, the respondents have annexed copies of certain correspondences made by them with the CFSL (Annexure R-9).

6. The applicants have filed rejoinder on 23.05.2019 and on the basis of the such rejoinder, the learned counsel for the applicants submits that similar situation came before the respondents in Gujarat Circle and the respondents passed the order dated 26.04.2019 for reinstatement of similarly placed persons with certain conditions and such conditions are as:-

“m. Your signatures on Registration from OMR Sheet Data entry sheet and Typing sheet with 100 sample signatures will be forwarded to CFSL authorities for scientific examination. The appointment order is being issued subject to the outcome of CFSL report. If adverse report. If adverse report is received from CFSL with reference to your signatures you reinstatement in the Department of Posts in respect of PA/SA Exam 2013-2014 would be terminated forthwith without any notice by the Department of Posts and that you will have no claim whatsoever in the future in respect of reinstatement related to the PA/SA Exam 2013-2014.

n. You will have to undergo/complete the induction training, if not undergone earlier.

o. This order is subject to any other conditions prescribed while appointing.

p. You are reinstatement with condition that all consequential benefits and 50% back wages will be paid to you only on receipt of CFFSL report which does not find any wrong doing in your case.”

7. In pursuance of such orders of the respondents in Gujarat Circle, the concerned persons have joined the

services of the respondents. These facts have not been disputed on behalf of the respondents.

8. In the aforesaid facts and circumstances, learned counsel for the applicants requests for disposal of the OA with direction to the respondents to consider the replies/representations of the applicants in pursuance of the Show Cause Notice in parity with the orders passed by the respondents in respect of similarly placed candidates of the Gujarat Circle in a time bound manner.

9. In the facts and circumstances, we are of the considered view that if the Gujarat Circle of the respondent No. 1 has taken decision by passing an order for reinstatement in respect of similarly placed persons with certain directions, there should not be any impediment for the respondents in Chattisgarh Circle in passing appropriate order(s), keeping in view the decision taken by the Gujarat Circle.

10. In view of the aforesaid, the OA is disposed of with the direction to the respondents to pass appropriate order(s) in pursuance of their impugned Show Cause Notices keeping in view the replies/representations submitted by the applicants, and if these applicants are on similar footing as in Gujarat Circle and keeping in view the orders passed by the Gujarat

Circle into consideration within eight weeks from the receipt of a certify copy of this order. No costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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