

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00107/2018

Dated this Friday, the 09th day of August, 2019

CORAM: DR. BHAGWAN SAHAI, MEMBER (ADMINISTRATIVE)
R.N. SINGH, MEMBER (JUDICIAL)

Shri Yogesh Babab Godmale, Aged 23 years,
Occ : Unemployed,
Residing at Post Karli, Taluka : Manora,
District : Vashim 444 404. ... ***Applicant***
(By Advocate Shri V.M.Parkar)

VERSUS

1. Union of India, Through Secretary,
Department of Post, Ministry of Communication & It,
Government of India, Dak Bhavan, New Delhi 110 001.
2. The Chief Postmaster General, Maharashtra Circle,
having its office GPO, CST Mumbai 400 001.
3. The Senior Superintendent of Post Offices, Satara Division,
having its office Satara 415 001
(State of Maharashtra) ... ***Respondents***
(By Advocates Shri V.S.Masurkar)

O R D E R (ORAL)

Per: R.N. Singh, Member (Judicial)

The present application has been
filed by the applicant under Section 19 of
the Administrative Tribunals Act, 1985
seeking the following reliefs :

“8(A). to allow the original application filed by the
Applicant;

8(B). to quash and set aside the Memo
No.STRDN/SSP/Rectt/Postmen & MTS-
2015/Cancellation/2016 dated at Satara the 25.11.2016

whereby the result examination of direct recruitment of Postmen/Mail held on 29.3.2015 and to hold fresh examination in lieu of thereof.

8(C). to quash and set aside the Memo No.STRDN/SSP/Rectt./Postmen & MTS-2015/Cancellation/2016 dated at Satara the 25.11.2016 whereby the services of the Applicant was terminated with effect from 25.11.2016 under sub-rule (1) of the rule 5 of the Central Civil Services (Temporary Services) Rules, 1965;

8(D). to quash and set aside the impugned letter cum communication issued by the Chief Postmaster General, Maharashtra Circle, Mumbai letter No.ADR/2-DR-Allt-Corr/2016 dated 25.11.2016 in respect of the cancellations of the result examination of direct recruitment of Postmen/Mail held on 29.3.2015 and to hold the fresh examination in lieu of thereof.

8(E). to order and direct to the Respondents to reinstate the Applicant in his original post at his request destinations as held by the Applicant as on 25.11.2016 with all back wages and continuity in services.

8(F). this Hon'ble Tribunal may pass such other and reliefs as this Hon'ble Tribunal may deem fit and proper.

8(G). to award the cost of the Application;

2. The learned counsels for the parties submit that the facts and issues involved in the present OA are identical to the facts and issues involved in the WP No.12117 of 2016, titled **Prakash Wani and Ors. Vs. Union of India and others**, decided by the Hon'ble High Court of Bombay Bench at Aurangabad Bench vide order dated 03.05.2019. The operative portion of that order reads as under :

" Order

1. *All the Writ Petitions are allowed. The order of cancellation of the entire examination is set aside to the extent of the petitioners herein.*

2. *The respondents are directed to verify again, whether there are any suspicious circumstances and irregularities in case of the petitioner herein and if no such suspicious circumstances, irregularities or malpractices are found as discussed in the judgment, the selection of the petitioners be restored and further process shall be completed within a period of two months.*

3. *As far as the petitioners in Writ Petition No.9910 of 2017 are concerned, the respondents shall verify their record as well as if no suspicious circumstances or malpractices as discussed in the judgment are noted in their individual cases, their appointments shall be restored within a period of two months with 50% backwages.*

4. *In the facts and circumstances, we do not want to take any cognizance of the contempt. Hence, the Contempt Petition No.663 of 2017 is dismissed.*

5. *We anticipate the request for stay of this order. Since we are granting time of two months for verification and giving effect to this order, no separate time is required to be given for obtaining stay order from the superior Court.*

6. *Rule is made absolute in the above terms with no order as to costs.*

7. *Pending civil applications, if any, stand disposed of."*

3. The learned counsels for the parties submit that the present OA may be disposed of in terms of the order / judgment dated 03.05.2019 of the Hon'ble High Court of Bombay Bench at Aurangabad in **Prakash Wani**

supra.

4. In view of the aforesaid facts and circumstances and since the judgment of the Hon'ble High Court of Bombay Bench at Aurangabad is binding for this Tribunal, the aforesaid OA is disposed of in terms of the direction given in the judgment dated 03.05.2019 by the Hon'ble High Court of Bombay Bench at Aurangabad in **Prakash Wani** supra and noted herein above.

5. In the aforesaid terms, the OA is disposed of. No costs.

(R.N.Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

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