

(2022) 04 CAT CK 0018

In the Central Administrative Tribunal

Case No : Original Application No. 133, 2022, Miscellaneous Application No. 125
Of 2022

Ramesh Chand Meena

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 08-04-2022

Acts Referred:

Citation : (2022) 04 CAT CK 0018

Hon'ble Judges : Jayesh V.Bhairavia, Member (J);Dr. A.K. Dubey, Member (A)

Bench : Division Bench

Advocate : Joy Mathew

Final Decision : Disposed Of

Judgement

J.V. Bhairavia, Member (J)

1. Shri Joy Mathew, counsel for the applicant submits that the applicant participated in the recruitment process pursuant to the notification dated 21.02.2014 for the post of Postal Assistants/ Sorting Assistants in the year 2013-14. He was appointed as Sorting Assistant on 01.04.2015 and was posted in Rajkot Division. Thereafter, on 23.12.2015, the applicant's appointment was cancelled by the respondent No.5 mainly on the ground of 'Impersonation'. Being aggrieved, the applicant along with others approached this Tribunal by filing OA No.226/2016. The said OA was dismissed. However, disagreed and not satisfied with the order passed by the Tribunal, the applicant and others approached the Hon'ble High Court by way of filing SCA, which came to be rejected. Counsel for the applicant submits that similarly placed Postal Assistants/ Sorting Assistants, who were initially selected and appointed and later, on the ground of 'Impersonation' were discarded from the service, approached the Hon'ble Supreme Court and group of appeals was decided by the Hon'ble Supreme Court vide order dated 13.07.2017 in Civil Appeal No.10513/2016 with connected SLPs (Annexure A/6 refers) and allowed the said appeal/SLP with a direction that those persons who were not suspected of having committed any malpractices

and who had undergone the prescribed courses may be reinstated with all consequential benefits and 50% back wages with liberty to the respondents to take action against them in case it was subsequently found in the investigation that they had indulged in malpractices. The respondents have reinstated majority of the similar placed Postal Assistant/Sorting Assistant.

2. The applicant herein had approached the competent authority for his reinstatement. In response to it, the respondents called the applicant in the office and obtained signature on the blank papers, which were subsequently sent to CFSL and opinion was sought on it. After a long time, the applicant had received information under the RTI Act, 2005 that as per the CFSL report, signature did not match and therefore, the applicant had not been offered reinstatement. The present OA has been filed mainly on the ground that this Tribunal in OA No.223/2019 in the case of Atul Rajendraprasad Yadav v/s. Union of India represented through Secretary, Govt. of India, Department of Post, and others decided on 21.10.2021 wherein, after considering the law laid down by the Hon'ble Apex Court in various cases, it was held that the respondents relied only on CFSL report and the same was awaiting for information and based on it, denied the reinstatement of the applicant therein and that too, without any corroboration whatsoever. In absence of any material to the contrary, the decision making process and the conclusion arrived at by the respondents for denying reinstatement to the said Postal Assistant/ Sorting Assistant was quashed and set aside. Therefore, it is the grievance of the applicant that in his case, except the CFSL report, there is no other material with the respondents to deny him for reinstatement. Learned counsel submits that after the order passed by this Tribunal, the respondents have complied with it and similarly placed Postal Assistant/ sorting Assistant have since been offered reinstatement. Hence, this OA.

3. After arguing for some time, on query, learned counsel submits that before approaching this Tribunal, the applicant has not filed any representation to claim parity before the competent authority. He requests that the applicant will be satisfied, if the respondents be directed to consider his representation by treating the present OA as his additional representation and decide it expeditiously.

4. Considering the submissions of the counsel for the applicant and on perusal of the material on record, we allow the applicant to withdraw this OA with a liberty to make representation along with copy of the present OA as additional representation before the respondent No.5 and on receipt of said representation, the respondent No.5 shall take appropriate decision in accordance with existing rules and procedure as adopted by the respondents in respect of similarly placed such Postal Assistant/Sorting Assistant, as expeditiously as possible, but not later than three months.

5. In view of the above, OA stands disposed of. Pending MA, if any, also stands disposed of.

6. Direct service to the respondent No.5 is permitted.