

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.040/00420/2016

Date of Order: This the Day of November, 2017

**HON'BLE MOHD HALEEM KHAN, ADMINISTRATIVE MEMBER
HON'BLE MR.S.N.TERDAL, JUDICIAL MEMBER**

1. Sri Pranjit Kalita
S/O Bani Kanta Kalita
Vill.Bang Gosaipara
P.O.Nityananda-781329
Dist.Barpeta(Assam) Applicant

By Advocate Mr.N.Baruah,

-Versus-

1. The Union of India
Represented by the Secretary
To the Government of India,
Ministry of Communications & IT
Department of Posts, Dak Bhawan
New Delhi-110116

2. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan, Guwahati-1

3. The Superintendent Post Offices , Nalbari Barpeta Division, Nalbari-781335

4. Rezaul Karim,
S/O Miachand Ali, Village-Chakabausi
Via Mandia-781308
Dist.Barpeta, Assam Respondents

By Advocate Mr.R.Hazarika, Addl.C.G.S.C

Date of Hearing:

Date of Order:

ORDER

Per Hon'ble Mr.S.N.Terdal,Member(J):

This O.A. has been filed seeking direction to the Superintendent of Post Offices Barpeta Nalbari Division, Nalbari that is Respondent No.3, to cancel the offer of appointment issued to one Rezaul Karim, Respondent No.4 dated 28.3.2016 as the said Respondent No.4 did not respond to the said letter of offer of appointment, within the stipulated period of 1 month. He further prays for a direction to the said Superintendent of Post Offices for issuing similar offer of appointment order in his favour.

2. Heard Mr.N.Baruah, learned counsel for the Applicant and Mr.R.Hazarika, learned Addl.C.G.S.C. for the Respondents and perused the pleadings and the documents produced by both the parties.

3. The admitted facts are that in response to the advertisement for the selection to the post of GDS BPM, Chamuagati BO in account with Sarupeta SO under Nalbari Head office, 14 candidates had applied and after the following procedure a panel of 5 candidates was prepared. The Applicant is second in the said panel of Select List The

Respondents No.4 Rezaul Karim, was 1st in the Select List, as such an offer of appointment letter with the several conditions was issued to the 4th Respondent on 28.3.2016. In the said offered letter dated 28.3.2016, it was specifically stated that he should complied with the said conditions within 1 month failing which, his candidature for the said post shall be summarily rejected. The said condition is extracted below:-

“Besides all such documents which will be required by the IPO” Pathsala Sub-Division for verification should be provided. In case you fail to cooperate the verification of documents /produce the above mentioned documents before the IPO”Pathsala Sub-Division or fail to join against the vacant post of GDS BPM, Chamuagati BO within the stipulated period of one month. Your candidature for the post of GDS BPM, Chanuagati BO will be summarily rejected.”

4. The Respondent No.4 did not respond to the said offer dated 28.3.2016 within 1 month. The contention of the Applicant is that as he is in the 2nd position and Respondent No.4 having not joined, he should have been given similar offer of appointment as he is admittedly No.2 in the Select List.

5. The case of the Respondents is that on 1.8.2016, by a letter issued by the Department of Posts (GDS Section) Govt of India, the selection of all types of GDS was stopped with immediate effect. The relevant portion of the said letter is extracted below:-

“I am directed to request you to stop selection/engagement of all types of Gramin Dak Sevaks with immediate effect. It is further requested to stop all cases of engagement which are under process. Cases where selection has already been finalized and communicated to candidates only need not be withheld.”

But however, as per the said communication dated 1.8.2016, cases where selection has already been finalized and communicated to the candidates, engagement need not be withheld.

6. As narrated above in the present case, the selection process is already over and communication was also sent to Respondent No.4 in March, 2016 with a clear stipulation that he should respond within 1 month and said Respondent No.4 has not responded within said 1 month time, as such the Respondents should have made similar offer to the Applicant before August 2016. Even otherwise as per the contents of the said letter dated 01.8.2016 as selection and communication are completed in so far as the said post of GDS BPM, Chamuagati BO in account with Sarupeta SO under Nalbari Head office, is concerned. As

such, said communication of Departmental post dated 1.8.2016 is not applicable.

7. In the result O.A. is allowed. The Respondents are directed to issue offer of appointment to the post of GDS BPM Chamuagati BO in account with Sarupeta SO under Nalbari Head office, to the Applicant as was issued with Respondent No.4. No order as to costs.

(S.N.TERDAL)
JUDICIAL MEMBER

(MOHD HALEEM KHAN)
ADMINISTRATIVE MEMBER

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