



O.A. No. 350/1189/2014

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. NO. 1189 OF 2014

Shri Bidhan Chandra Deb son of late Badal Chandra Deb aged about 40 years, working as GDSBPM, Vetaguri Branch Post Office, Dist. Cooch Behar – 736101 and residing at Vill & P.O. Checkadar, P.S. Tufanganj, Dist. Cooch Behar, Pin – 736134.

... Applicant

- Versus -

1. Union of India through the Secretary to the Govt. of India, Ministry of Communication and Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi – 110116.
2. The Chief Post Master General, West Bengal Circle, Yoagayog Bhawan, P-36 C. R. Avenue, Kolkata – 700 012.
3. The Superintendent of Post Offices, Cooch Behar Division, Cooch Behar – 736101.

- [REDACTED]
4. The Sub Divisional Inspector of Posts
Dinhata Sub Division, Cooch Behar -
736136.
 5. Shri Subhas Chandra Roy son of non
known, working as BPM, Chekadora Branch
Office, under Dewanhat sub office under
Dinhata Sub Division, Dist. Cochbehar, Pin
- 736134.
 6. Shri Gopal Chandra Barman, BPM,
Haochibhanga Branch office in a/c with
Dewanhat Sub Office, Sub Division,
Dinhata, Dist. Coochbehar Pin - 736101.

... Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/1189/2014

Date of order : 4.5.2020.

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

BIDHAN CHANDRA DEB
VS.
UNION OF INDIA & OTHERS
(D/O INDIA POST)

For the applicant : Mr. J.R. Das, counsel

For the respondents : Ms. R. Basu, counsel



ORDER

Bidisha Banerjee, Judicial Member

This application has been preferred by a GDSMD, Nazirhat Branch

Post Office to seek the following reliefs:-

"i) An order directing the respondent authority to allow the applicant his due promotion/upliftment to the grade of Postman or similar grade considering his post continuous service;

ii) An order directing the respondents to allow the applicant his due promotion at par with the private respondents since being contemporary/juniors with consequential and monetary benefits and due seniority thereto;

iii) An order directing the respondents to produce all relevant records of the case before the Hon'ble Tribunal for conscionable justice;

iv) Any other order/orders, further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. The applicant is aggrieved as he has not been allowed to appear in the departmental examination for promotion to the cadre of Postman/Mail Guard from Group 'D'/Mailman/ED in the year 2003, 2004, 2005 in spite of completion of 5 years' requisite services.

3. The respondents have refuted the claim of the applicant that he has served for more than 5 years as GDSMD and contended that the applicant Bidhan Chandra Deb was provisionally appointed as GDSMD at Nazirhat Branch Office vide order dated 08.04.2003 and as per Recruitment Rules the appointment of Gramin Dak Sevaks as MTS, Postman and Mail Guard is not to be made on the basis of Limited Departmental Competitive Examination but on the basis of competitive examination restricted to the Gramin Dak Sevaks. They further stated that Sri Bidhan Chandra Deb was issued regular appointment with effect from 26.06.2004 and as such he was eligible to appear at the examination for promotion to the cadre of Postman, MTS after 26.06.2009 i.e. after completion of 5 years of regular services in Gramin Dak Sevak cadre.



4. The respondents have admitted that an examination was held on 26.10.2014, 45 candidates were permitted to appear in the examination and the applicant was enlisted at Srl. No.37 of the eligible candidates to appear at the examination and that an MTS examination was held on 15.09.2013 from Gramin Dak Sevak category against 25% vacancies of MTS cadre pertaining to the year 2009 and the applicant was enlisted at Srl. No.50 of the eligible candidates. In both the cases, hall permits were issued to him but he was not listed in the list of successful candidates. For the Postman examination against vacancies for the period from 01.01.2012 to 31.12.2012 scheduled to be held on 08.12.2013 he was issued hall permit but he could not qualify. The

respondents would assert that the competitive examination for filling up the vacancies of MTS for the year 2010 as per MTS Recruitment Rule 2010 was held on 29.12.2013 but the applicant did not apply against the same. Further that, a limited departmental competitive examination for promotion of Gramin Dak Sevak to MTS etc. pertaining to the year 2013 was held on 04.05.2014. 53 candidates were permitted to appear. The applicant was enlisted against Srl. No.20 as eligible to sit for the selection and a hall permit was issued, but he failed to qualify. Therefore, the respondents would refute his allegation against the department. They would contend that in absence of any provision in the rules that allow departmental promotion without clearing the scheduled examination or without fulfilling the eligibility criteria, the applicant deserved no relief.



4. No rejoinder has been used to contradict the facts in the reply, despite opportunities.

5. In view of the facts stated in the reply as enumerated above which remains uncontroverted by the applicant, we find no reason to grant any relief to the present applicant and, therefore, the O.A. stands dismissed. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member