

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



O.A/350/00519/2020

Date of Order: 12.8.2020



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

Kamalika Laha,
Daughter of Soumitra Laha,
Residing at 58/2/2,
Naresinga Dutta Road,
Post Office- Kadamtala, Police Station- Batra,
District- Howrah,
Pin Code- 711101.

.....Applicant.

-versus-

1. Union of India,
Service through the Secretary,
Department of Post,
New Delhi, Pin- 110011.
2. The Chief Post Master General,
Department of Post,
West Bengal Circle,
Yogayog Bhawan,
Kolkata-700012.
3. The Assistant Director of Post and Services
(Rectt.),
Office of the Chief Post Master General,
Department of Post,
West Bengal Circle,
Yogayog Bhawan,
Kolkata- 700012.
4. Puja Dalui,
Daughter of Sri Sankar Kumar Dalui,
Residing at 33 Ddarani Dhar Mallick Lane,
Howrah- 711101.
5. Rima Dalui,
Daughter of Tapas Dalui,
Working in the office of Sr. D.M.E Diesel,
Bamungachi, Eastern Railway,

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Howrah- 711101.

6. NamrataDev,
 Daughter of Chandan Dev,
 Residing at 1 Kapasdanga,
 Near Sitala Mandir, Banichra Matha,
 P.O.- Hooghly, P.S.- Chinsura,
 District- Hooghly, Pin- 712103.

.....Respondents.

For The Applicant(s): Mr. A. Ghosh, Counsel

For The Respondent(s): Mr. S. Paul, Counsel

ORDER (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved at non selection as PA/SA against "sports quota", the applicant has approached this Tribunal, seeking the following relief:

"(a) An order be passed by setting aside and/or cancelling the impugned panel published by the Assistant Director of Posts Services (Rectt.) Department of Post Office the Chief Postmaster General, West Bengal Circle being No. Rectt./R-8/DQ(Sports)/2015-16, dated 18.02.2020, particularly, the post of Postal Assistant, Female-Category under Volleyball Discipline.

(b) An order be passed directing the respondent No. 2 and 3 to cause an enquiry in to the grievances of the applicant and to rectify the irregularities and illegality committed in preparation of the impugned panel dated 18.2.2020, particularly in respect of Female Volleyball discipline within a specified period, by holding personal hearing to the applicant and all interested person/persons;

(c) An order be passed directing the respondents to produce all relevant records, relating to the said Selection to the Post of Postal Assistant under Sports Quota, in respect of Volleyball discipline for Female candidates before this Learned Tribunal so that conscionable justice may be administered by quashing the same;

(d) Pass such further or other order/orders, direction/directions as to this Learned Tribunal may think fit and proper."

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2. Heard both Id. counsel. This matter is taken up at the admission stage for disposal.

3. The case of the applicant, as advocated by her Id. Counsel is that, the applicant is a renowned Volleyball player who plays in Smasher position. The applicant had taken part in several competitions in National Volleyball Championship from University level to State level. She had also participated in the 40th Junior National Volleyball Championship held at Dehradun, 41st Junior Volleyball Championship held at Chandigarh, 18th Youth National Volleyball Championship held at Nagpur and 19th Youth Volleyball Championship held at Rajasthan respectively.

That the Department of Posts, West Bengal Circle, had published one Employment Notification dated 06.08.2018 for Recruitment in Postal Department, West Bengal Circle against Sports Quota in the discipline of, inter alia, Volleyball, for the post of Postal Assistant/Sorting Assistant, and the applicant applied in response to the said notification. The applicant would claim that she is an eligible Sports Personnel as she possesses all the Certificates, the requisite educational qualifications and further fulfils the requisites contained in guidelines of Government of India dated 3rd October, 2013 (Annexure A-3 to the O.A).

On 18.02.2020, the Postal Authority published the selection results, whereby, the private respondents, allegedly less meritorious and ineligible sportspersons, were selected, purportedly by adopting a pick and choose method, which, according to the applicant, is in utter violation of Article 14 of the Constitution of India in Public Employment. Hence this Original Application.





The applicant's counsel would draw our attention to para 5 of Department of Posts' Application form at (Annexure A-5 to the O.A.) and urge that the authorities, while choosing the private respondents, have violated the instructions inasmuch as less meritorious and ineligible candidates have been selected ignoring the rightful claim of the more meritorious applicant resulting in unfair discrimination against the applicant. Further, the applicant's attempts to ascertain the eligibility of selected candidates through RTI failed as the concerned authorities did not provide her with the information sought for by the applicant.


4. The respondents' Counsel would vehemently oppose the prayer made in the O.A. with the averment that relevant instructions were scrupulously followed in the selection process. Ld. Counsel would further submit that the selected candidates are already serving the Department of Posts consequent to their selection.

5. On perusal of records, however, we find that the applicant has approached this Tribunal without preferring any representation to the authorities/without exhausting the remedies available as under the rules.

Ld. Counsel for the applicant would hence pray for liberty to prefer such representation whereby the applicant may ventilate her grievances, a prayer Ld. Counsel for the respondents would not oppose if disposal of such representation is directed to be made in accordance with law.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we direct the applicant to prefer a comprehensive representation to the competent authority within a period of four weeks from the date of receipt of this order. In the event such representation is made, the respondents shall duly consider her

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representation in accordance with law, and, shall issue a reasoned and speaking order specifically dealing with the issue of discrimination allegedly meted out to the applicant vis a vis the selected candidates (private respondents), in the light of instructions at Para 5 of their notification dated 6.8.2018 and convey their decision to the applicant within eight weeks from the date of receipt of such representation.

In the event the appointments have not been formalized, the respondents may not finalize their selection in the category of Volleyball (Female) till the date of disposal of the representation.

8. The present O.A. stands disposed of with the above directions. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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