

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00647/2020

Date of order: 9.10.2020

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

Prithwish Giri,
Son of Pankaj Kumar Giri,
Aged about 19 years,
By Occupation – Unemployed,
Residing at Village – Bichitrapur,
P.O. – Kukai,
District – Paschim Medinipore,
Pin Code – 721133.

... Applicant

VS.

1. Union of India,
Through the Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhavan,
Samsad Marg,
New Delhi – 110 001.
2. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhawan,
Kolkata – 700 012.
3. The Sr. Superintendent of Post Offices,
Midnapur Division,
Midnapur,
Paschim Medinipore,
West Bengal – 721101.
4. The Postmaster,
Jhargram Head Post Office,
Station Rd. Jhargram,
West Bengal – 721507.

... Respondents

heh

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Ms. P. Goswami, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(i) Selection list of GDS published by the respondents in connection with Notification No. RECTT/R-100/ONLINE/GDS/Cycle-II/Vol. I with respect to posts of GDSABPM/Dak Sevak for Keshiary SO-SC is not tenable in the eye of law and as such the same may be quashed.

(ii) An order do issue directing the respondents to select the applicant in the post of GDSABPM/Dak Sevak for Keshiary SO-SC-10000 and thereby issue a letter of engagement to that effect at an earliest.

(iii) Costs and incidentals.

(iv) Pass such further or other order or orders and other relief/s as may be deemed fit and proper in the peculiar facts and circumstances of the present case."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the respondent authorities had issued a notification on 18.2.2020 (Annexure A-1 to the O.A.) for filling up 2021 posts of GDS in different units under the Department of Posts, West Bengal Circle, and, that, the following qualifications were laid down for eligibility to the said posts:-

"Educational Qualification:

- (a) Secondary School examination pass certificate of 10th standard conducted by any recognized board of School Education of India.
 - (b) Candidate of all categories of GDS will be required to furnish at least 60 days duration basic computer training certificate from a recognized computer training institute.
- hsh*

(c) The candidate should have studied the local language at least up to 10th standard (as compulsory or elective subject) as declared by the State government or as per Constitutional provisions relating to the 8th schedule of Constitution of India."

The applicant duly applied for Keshari SO-SC-10000 but was aggrieved that as per the selection list annexed at Annexure A-2 to the O.A. a person lower in merit had been selected for the post.

The applicant would allege that the candidate who was selected is lower in merit as per marks obtained in 10th standard examination vis-à-vis the applicant, and, hence, this O.A.

We find on perusal of records, however, that although the applicant was aggrieved with the selection, he had not preferred any representation to the concerned authorities praying for redressal of his grievances.

4. Accordingly, under Section 20 of the Administrative Tribunals Act, 1985, we grant liberty to the applicant to avail of the remedy available to him in approaching the respondent authorities with his grievances in the form of a comprehensive representation duly substantiated by documents in support within a period of 2 weeks from the date of receipt of a copy of this order.

In the event such representation is received by the appropriate respondent authority, he shall dispose of the same in accordance with law after ascertaining the inter se merit position of the applicant vis-à-vis the selected incumbent in the post of Keshari SO-SC-10000 within 6 weeks thereafter. His decision should be communicated to the applicant in the form of a reasoned and speaking order.

hsh

In the event the appointment/engagement for Keshiari SO-SC-100

has not been so finalized, such engagement may be kept in abeyance **till** the disposal of applicant's representation.

5. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP