

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH



No. O.A. 350/00415/2020

Date of order: 19/06/2020

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

Sri Joydev Duley,
Son of Sri Pabitra Duley,
Aged about 25 years,
Unemployed and residing at
Vill. & P.O. Amchura,
District – Bankura,
Pin – 722 134.

..... Applicant

- VERSUS -

1. Union of India,
Service through the Secretary,
Ministry of Communication,
Department of Post,
Dak Bhawan,
Sansad Marg,
New Delhi – 110 001.
2. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhawan,
C.R. Avenue,
Kolkata – 700 012.
3. The Sr. Superintendent of Post Office,
Bankura Division,
Bankura,
Pin – 722101.
4. The Inspector of Posts,
Katra Sub-Division,
Khatra,
Pin – 722 140.
5. The SPM,
Garhraipur Sub-Office,

Chh

Garhuipur,
Bankura,
Pin - 722 140.

Respondents

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : Mr. S. Paul, 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:-

- "(a) To issue direction upon the respondents and their men and agents to allow the applicant to join the office of the respondents as GDSBPM forthwith;
- (b) To issue direction upon the respondents and their men and agents to dispose of the representations of the applicant pending before the respondents;
- (c) To issue direction upon the respondents and their men and agents to assign reasons as to why the applicant had not been allowed to join;
- (d) To produce the entire connected departmental records;
- (e) Any other order or orders as the Hon'ble Tribunal may deem fit and proper."

2. The submissions of the applicant, as articulated through his Ld. Counsel is that the applicant had been selected for the post of GDSBPM, Satpatta B.O. and has completed two days training towards the said purpose. A non-selected candidate, namely, Shri Majumder Dhaibhai, however, filed an O.A. No. 1462 of 2015 challenging such appointment but the said O.A. was dismissed by the Tribunal on merit.

Aggrieved with such dismissal, the applicant in O.A. No. 1462 of 2015, thereafter, preferred WPCT No. 100 of 2018 before the Hon'ble High Court of Calcutta which was dismissed for default. In spite of disposal of the pending litigations, the applicant, however, has not been allowed to

End

join the office of GDSBPM, Satpatta B.O. The applicant had also preferred representations before the respondents which are pending disposal and hence being aggrieved, he has approached the Tribunal in the instant O.A.

Ld. Counsel for the applicant would beseech that the respondents be directed to dispose of the representations, as pending at their end, and, also to issue an appointment order forthwith to the applicant.

3. Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law.

4. Accordingly, we would direct the respondent No. 3, who is the Sr. Superintendent of Post Office, Bankura Division, Bankura, to examine the contents of the representations of the applicant at 13.11.2019 & 3.1.2020 (Annexure A-5 to the O.A.) reportedly pending at his level, and, to issue a reasoned and speaking order, in accordance with law, within four weeks of the date of receipt of a copy of this order.

5. As it is not disputed that all pending litigations have been disposed of, dismissing the claim of the non-selected candidate, the claim of the applicant, who had qualified on merit for the post of GDSBPM, Satpatta B.O., should be taken into account by the said respondent authority, and, if there is no other bar, the applicant, if so entitled, should be issued with an appointment order within two weeks of the issue of the speaking order.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP