



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**O.A. No./100/3818/2017
M.A. No./100/807/2021**

This the 24th Day of March, 2021

(Through video conferencing)

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Ms. Subh Lata,
W/o Sh. Anand Singh,
Age 32 years,
Gram Dak Sevak, Group 'C',
R/o H.No.63, Farwan Panna,
Jharoda Kalan, New Delhi-110072
Address for service of notices
c/o Sh. Pradeep Kr., Advocate,
CH.No.665, Western Wing,
Tis Hazari Courts, Delhi-110054

- Applicant

(By Advocate : Shri Pradeep Kumar)

Versus

1. Union of India
Through its Secretary
Ministry of Communications & IT,
Department of Posts, Dak Bhawan,
New Delhi-110001.

2. The Asstt. Director General (GDS)
Department of Posts (GDS Section)
Ministry of Communications & IT,
Dak Bhawan, New Delhi-110001

3. The Chief Post Master General,
Delhi Circle, Department of Posts,
Meghdoot Bhawan, New Delhi-110001

4. The Senior Superintendent of Post Offices,
New Delhi East Division,
Naraina, Delhi-110028

- Respondents

(By Advocate : None)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The Senior Superintendent of Post Offices, New Delhi East Division, the 4th respondent herein, issued a Notification on 25.04.2013 proposing to fill the post of Gramin Dak Sewak (GDS) for the branch at Rawta. The selection process involved conducting of a written test and verification of records. The applicant and various others responded to the notification.

2. The applicant contends that 5 candidates were shortlisted by the concerned authority and though he figured at Sl. No.5, she was considered for appointment on account of the fact that the candidates selected at Sl. Nos. 1 to 4 either were already appointed or otherwise declined. The Assistant Director General, GDS Department of Posts, the 2nd respondent herein, addressed a letter dated 01.08.2016 directing that the process of selection of GDS shall be stopped forthwith. Thereafter, a fresh notification was issued changing the norms of selection through order dated 27.03.2017. This OA is filed challenging the orders dated 01.08.2016 and 27.03.2017.

3. The applicant contends that the process of selection to the post of GDS has reached finality and at a time when the order of appointment was about to be issued to her, the impugned orders were

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passed. She contends that there was no basis for cancellation of the selection process or for changing the selection criteria.

4. The respondents filed a detailed counter affidavit. According to them, the concerned authority prepared a list of 5 candidates and without even referring to the offers given to the other candidates, the name of the applicant was chosen for consideration. It is stated that when the matter was inquired into, it emerged that the so called centre at which the applicant and other candidates have taken examination did not exist at all, and accordingly, the decision was taken to cancel the entire process.

5. Today, we heard Shri Pradeep Kumar, learned counsel for the applicant and there was no representation for the respondents.

6. It is not in dispute that the applicant was one of the candidates, who responded to the notification issued by the 4th respondent, and that she figured at Sl. No.5 in the list of candidates under consideration. She had gained access to the note sheets running into several pages, and on that basis, it is stated that one after the other, candidates above her declined the offer and, accordingly, the choice fell upon her. Though this may appear to be extraordinary, such a course cannot be said to be illegal *ipso facto*.

7. What made the respondents to give up the entire selection process is referable to a curious development. The candidates were

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said to have taken the written test at Pragtisheelsheel Sanskrit Mahavidyalaya, Gohana (Sonepat). The efforts made by the respondents to locate the institute did not fructify. Ultimately, the Superintendent of Posts, East Division, himself verified the matter and it emerged that the institute with such a name did not exist at all. When such is the nature of irregularity that has crept into the selection process, one just cannot act upon the result of such a fraudulent exercise. The applicant cannot be said to have acquired any right on account of the so called selection.

8. We do not find any merit in the OA. It is accordingly dismissed. Pending MA also stands disposed of. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 24, 2021
/pj/jyoti/