

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 754 of 1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman

Hon'ble Mr. M.S. Mukherjee, Administrative Member

Sk. Md. Bodruddha zza, s/o Md. Golam Nabi,
Vill : Bandhmura, P.C. Bandhmura,
Dist. Burdwan.

Applicant

-Vs-

1. Union of India, service through the
Secretary, Ministry of Post & Telegraphs,
New Delhi ;

2. Post Master General, Eastern Region,
West Bengal Circle, Jogayog Bhavan,
Cal-12 ;

3. Sr. Superintendent of Post Office,
Burdwan ;

4. Asstt. Superintendent of Post Office,
Katwa, Sub-Division Katwa, Dist. Burdwan ;

5. Extra Departmental Branch Post Master,
Bandhmura, Dist. Burdwan ;

6. Abdus Salam, s/o Late Sk. Abdul, P.O.
& Vill. Bandhmura, Dist. Burdwan.

Respondents

For applicant : Mr. P.K. Choudhury, counsel

For respondents: Ms. U. Sanyal, counsel

Heard on : 13.8.1997

Order on : 22.8.1997

At 1-9-1997

O R D E R

A.K. Chatterjee, VC

The admitted facts are that the petitioner made an application on 3.4.96 in response to an advertisement for appointment to the post of Extra-Departmental Branch Post Master of Bandhmura Branch Office. The last date for submitting the application was 8.4.96, while the candidates were called for verification of documents on 30.4.96. The petitioner contends that he was ^{the} most suitable

candidate for appointment, but the authorities had wrongly selected another candidate namely Abdus Salam impleaded as respondent No.6 on the ground that the petitioner even though otherwise most suitable, could not be selected as he had acquired the property qualification only on 18.4.96. Hence, this application has been filed for a direction upon the respondents to appoint the petitioner and other relief on the ground that the authorities had committed illegality by selecting the respondent No.6.

2. The official respondents in their reply contend that the petitioner could not be regarded to have the requisite property qualification in view of the letter of DG (Post) dated 18.9.95, according to which the property qualification has to be acquired before the last date fixed for submitting the application.

3. We have heard the Ld. Counsel for the parties and perused the records before us. The Ld. Counsel for the petitioner has tried to argue that even according to the letter of the DG (Post) dated 18.9.95, candidates acquiring the ^{proper} qualification at any time before the date of interview cannot be disqualified. It was pointed out that this letter provides that even if on the date of application a candidate did not have the requisite property qualification but sends a written request enclosing documentary evidence in continuation of his application and the same is received within the stipulated date, the recruiting authorities should entertain the same. Now it is argued that if a candidate makes an application on the very last date, he would be deprived of an opportunity to make any further request enclosing documentary evidence in continuation of his application, if the expression "stipulated date" is interpreted to mean the last date of application. Therefore, the Ld. Counsel for the petitioner argues that stipulated date should be interpreted to mean the date on which the candidates are called for verification of

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documents. If such an interpretation is accepted, then the candidature of the petitioner cannot be rejected as he had acquired the property qualification on 18.4.96 well before the date on which he was called for verification of documents on 30.4.96. However, it is hard to accept this interpretation because request made subsequent to the application enclosing documentary evidence of acquisition of property in terms of the letter of the DG (Post) referred to above cannot be regarded as a right but just a privilege to the candidates acquiring property after the date of the application. However, in *Ashok Kr. Sarma vs. Chandra Sekhar*, A.I.R. 1993 SCW 613, it has been held by the Hon'ble Supreme Court that for the purpose of appointment, requisite qualification need not exist on the date of the application and it would be enough if he is found to be qualified on the date of the interview. It is true that this precedent was rendered in circumstances different from the present one but the analogy applies with all force. We, therefore, hold that although the petitioner had acquired the requisite property qualification after the last date prescribed for submitting the application, he could not be disqualified as he had acquired it before he was called for verification of documents.

4. Since this was the only ground for rejecting the candidature of the petitioner, a direction has to be given to the respondents to select the petitioner for appointment to the post in question in place of respondent No.6, who, it may be noted, has not entered appearance in this proceeding, though duly served.

5. The application is, therefore, disposed of by quashing the selection of the respondent No.6 and by giving a direction upon the respondents to make suitable order within a fortnight from the date of communication of the order appointing the petitioner to the post of Extra-Departmental Branch Postmaster of Bandhmura Branch Office.

6. Parties to bear their own costs.

M. S. Mukherjee
11/9/97
(M. S. Mukherjee)
Member (A)

AK Chatterjee
11/9/97
(A.K. Chatterjee)
Vice-Chairman