

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.763 of 1996

Present : Hon'ble Mr.Justice A.K.Chatterjee, Vice-Chairman.
Hon'ble Dr.B.C.Sarma, Administrative Member.

ALOKE GHOSH

... Applicant

Vs.

1. Union of India, through Secretary,
Department of Posts, Sanchar Bhawan,
New Delhi-1.
2. Chief Post Master General, West
Bengal Circle, Yogayog Bhawan,
Calcutta-12.
3. Post Master General, Howrah Region,
Howrah.
4. Sr.Superintendent, R.M.S. West
Bengal Division, Howrah-711 101.

... Respondents

For the applicant : Mr.B.C.Sinha, counsel.

For the respondents: Mrs.Kanika Banerjee, counsel.

Heard on : 19.8.1997

Order on : 1.9.1997

ORDER

A.K.Chatterjee, V.C.

Pursuant to an employment notice dated 10.1.1994, the petitioner made an application for the post of ED Mailman to which he was appointed and joined on 8.2.1994 at M.A. Howrah. On the following date, however, no duty was allotted to him and aggrieved by such action on the part of the authorities, he filed O.A.191 of 1994 in this Bench, inter alia, for a direction upon the respondents to allow him to perform his duty for the

post of ED Mailman. The said O.A. was disposed of on 11.11.1994 in which the relief sought by the petitioner was not granted but the appropriate authority was given the liberty to quash the selection as well as the appointment of the petitioner and the said authority was directed to constitute a selection committee to consider all the candidates who had responded to the employment notice dated 10.1.1994 together with the candidates sponsored by the employment exchange, after giving an opportunity to all of them to appear before the selection committee and produce all documents. ^A The selection committee was constituted but the petitioner was not selected and hence the instant application has been filed for a direction upon the respondents to re-consider his case and to offer him an appointment to the post of Mailman. The petitioner has questioned the composition and the selection procedure on the grounds which ^{are} ~~is~~ noted below.

2. The respondents in their counter have stated that according to the judgment delivered on 11.11.1994, a selection committee of three officials was constituted to select candidates for twenty three vacancies, which they did having regard to the various orders relating to recruitment of extra-departmental agents, but the petitioner could not be selected as there were other candidates who had scored higher marks than him in Matriculation Examination.

3. We have heard the ld.counsel for the parties and perused the record before us.

4. The ld.counsel for the petitioner has in the first place drawn our attention to the composition of the selection committee and it was pointed out that one of the members, namely, Shri K.K.Bose, Sr.Superintendent, R.M.S., was an officer of higher rank than the other two officers and as such, the composition was said to be invalid. The ld.counsel for the petitioner has argued that a selection committee should be composed of officials of same rank as otherwise a superior officer may be in a vantage point because the independence of others who were sub-ordinate to him may be lost to some extent.

5. We are unable to share this contention not only because no rule or ruling in this regard could be shown but also because it is hard to imagine that some members of the selection committee who though sub-ordinate to another member but still ~~they are~~ quite senior and responsible, should not be in a position to express an independent opinion. We, therefore, find no fault in the composition of the selection committee.

6. The ld.counsel for the petitioner has drawn our attention to the minute of the selection committee which has been annexed to the reply. It was pointed out that it did not contain any reference to the order under which they were appointed members of the selection committee.

7. We have no hesitation to reject this contention as we are unable to hold that the selection process has been vitiated for non-disclosure of the order of appointment of the selection committee in their minute. In this connection it was also urged that the selection committee itself gave the appointment which was wholly irregular as evidently it had no such power. This contention is factually incorrect as the minute of the selection committee clearly states that the list of selected candidates was appended as an annexure to the minute and the respective appointing authorities were to appoint them after observing usual and due formalities. In such situation it cannot be successfully urged that appointment of selected candidates was given by the selection committee.

8. The respondents have stated that the petitioner was not selected as other candidates had scored higher marks than him in the Matriculation Examination. The ld.counsel for the petitioner has stated that under the rules, the selection of Extra-Departmental Sub-Postmasters or Branch Postmasters should be made on the basis of marks scored in the Matriculation or equivalent examination but in case of selection for the post of ED Mailman, there is no provision that selection has to be made on the basis of marks obtained in the Matriculation Examination and in fact the

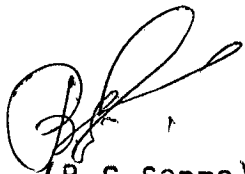
educational qualification prescribed for this post is VIII Std. with preference to candidates with Matriculation qualification.

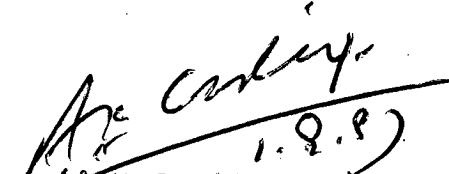
9. Even assuming that rules relating to recruitment do not specifically provide that marks obtained in the Matriculation Examination should be the basis for selection to the post of ED Mailman, the selection committee cannot be said to be in error if they had considered the marks obtained in the said examination for the purpose of selection. It is pertinent to bear in mind that the selection committee had made the selection not only just on the basis of marks in the examination but with due regard to other relevant orders specified in the minute. Therefore, the selection cannot be set aside on the ground that the candidates scoring higher marks in the Matriculation Examination were given preference over others with lower marks.

10. The petitioner has also contended that his case should have been favourably considered as he had worked previously. The application filed by him does not disclose that he had ever worked previously as an ED Mailman except for one day on 8th February, 1994. Evidently, hardly any preference can be given for such work for a day on the basis of a selection which was quashed. If it were so, then all candidates who were previously selected and also worked for a day would have to be selected again and the entire exercise of any fresh selection as per order of this Tribunal would be totally meaningless.

11. For the above reasons, we see no merit in this application which is rejected.

12. No order is made as to costs.


(B.C. Sarma)
Administrative Member
1/9/97


(A.K. Chatterjee)
Vice-Chairman