

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1077 of 96

Present : Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman

Hon'ble Mr.S.Dasgupta, Administrative Member

ASHOK KR. SAL

VS

UNION OF INDIA & ORS.

For the applicant : Mr.G.C.Ghosh, counsel

For the respondents: Mr.S.P.Kar, counsel

Heard on : 12.2.98

Order on : 12.2.98

O R D E R

S.Dasgupta, A.M.

We have heard the 1st. counsel for both the parties at the admission stage and also perused the pleadings in the OA as well as in the reply filed by the respondents.

2. The applicant through this OA has challenged the appointment of respondent No.2 on the post of Extra Departmental Branch Post Master(ED BPM in short). The averments made in the OA disclose that the respondents had sent a requisition to the Employment Exchange for sponsoring the names of the candidates for the aforesaid post. Since the Employment Exchange did not sponsor required number of candidates, an open advertisement was issued in response to which the applicant applied along with several other candidates. However, instead of considering the candidates who had applied in response to the open advertisement, the respondents have considered the respondent No.2 who was already working as EDMC, Ranimadhavpore on the ground that in terms of the departmental instructions a departmental candidate was to get priority over other candidates.

Subsequently, it was detected that the respondent No.2 had not taken up residence in the village Ranimadhavpore and, therefore, the appointment of respondent No.2 as ED BPPM was cancelled.

3. In view of the foregoing the relief the applicant has prayed for namely, the cancellation of appointment of respondent No.2 has become infructuous since the department itself has cancelled the appointment of respondent No.2. The other relief which the applicant has claimed is that the persons who had applied in response to the open advertisement including the applicant should be considered for the aforesaid post.

4. We have noted from the averments made in the reply that the respondents are going to take fresh selection for the recruitment to the aforesaid post. Since they have earlier issued an advertisement and the applicant along with several others have applied in response to the same, we consider it appropriate that such application should be considered while making a fresh selection. We accordingly direct the respondents to consider the applications received in response to the open advertisement on merit while making fresh selection. OA is disposed of accordingly. No order as to costs.



MEMBER (A)



VICE-CHAIRMAN