

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 233/1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

ANIMA SIKDAR

VS.

UNION OF INDIA & OTHERS

For the applicant : Mr. M.K. Mitra, counsel

For the respondents : Mr. B.K. Chatterjee, counsel

Heard on : 27.3.2000

Order on : 27.3.2000

O R D E R

D. Purkayastha, J.M.

Heard 1st. counsel for both sides.

2. In this application, the applicant has challenged the appointment of respondent No.7, Manibrata Roy in the office of the respondents and prayed for direction upon the respondents to quash the purported appointment of respondent No.7 on the grounds stated in the application. In this O.A. the direction upon the respondents for applicant also prayed for his appointment in the post of E.D. Stamp Vender in which the respondent No.7 has been appointed.

3. The case of the applicant in short is that, he worked in the post of E.D. Packer at Pansila Post Office for about 495 days in the year 1985 as nominee in place of one, Smt. Dipali Karmakar who got promotion to the post of Postman. Thereafter, his service has been dispensed with by the authorities on 19.8.86. On 13.11.87 a Circular has been issued by the authorities wherein it has been stated that the E.D.As who worked as substitutes in the department prior to 7.5.85 may

be considered for appointment as E.D. As in the vacant posts provided they are eligible for such appointment in all respects (Annexure A-4 to the app.). Thereafter an interview was held on 14.11.94 for filling up the vacancy in the post of E.D. Stamp Vendor in Garulia Post Office and the applicant duly appeared in the interview pursuant to the letter of interview dated 5.11.94 issued in ~~her~~ favour. It is alleged by the applicant that the result of the said interview has not been published but in the meantime, the respondents appointed one person, namely, Banibrata Roy who is appearing as respondent No. 7 in this O.A., on provisional basis with effect from 3.6.95 without giving any credence to the experience and seniority of the applicant. Therefore, she has come to this Tribunal seeking appropriate relief.

4. Respondents denied the claim of the applicant by filing written reply to the O.A. It is stated in para 13 of the written reply that the applicant worked as E.D. Substitute at Pansila Post Office on different spell during the period from 10.12.1985 to 19.8.1986 and as such she was disengaged long before issuance of the Circular dated 13.11.87 which provides for considering the cases of daily rated mazdoor/ irregular Substitute who are in service for absorption against the vacant post as one time exception even if they are not been recruited through Employment Exchange and since the applicant was not in service as provided in the said circular, he cannot get benefit of such circular. It is also stated by the respondents that the respondent No. 7 whose appointment has been challenged in this case, belongs to the post office under Barrackpur Sub-Division and the applicant belongs to the post office under Belghoria Sub-Division. It is further stated by the respondents that the private respondent No. 7 also worked as substitute DDMC at Garulia post office under Barrackpur Sub-Division on different spell and considering

and his past experience/other requisite qualifications, he was selected for the post of E.D. Stamp Vender at Garulia Post Office. Therefore, the applicant should not have any grievance in this matter.

5. We have considered the submissions made by the ld. counsel for both sides and have perused the records produced before us. The facts stated by the respondents could not be disputed by the applicant by producing any document before us at the time of hearing. On a perusal of the records, we are satisfied that the selection in the post of E.D. Stamp Vender has been made in accordance with the rules and the respondent No. 7, Banibrata Roy has been appointed in the said post at Garulia post office considering his past experience in that post. Moreover, the applicant has filed this case in the year 1996 i.e. after a long time from the date of cause of action. Therefore, the application is barred by limitation also.

6. In view of the above, we dismiss the O.A. as being devoid of any merit without passing any order as to costs.

Swami
29.3.2000
MEMBER(A)

DR. J
MEMBER(J)