

12

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**O.A. No. 40/2012**

Jodhpur this the 17<sup>h</sup> day of April, 2013.

**CORAM**

**Hon'ble Mr.Justice Kailash Chandra Joshi, Member (J)  
Hon'ble Ms Meenakshi Hooja, Member (A)**

Bhoop Ram S/o Shri Kalu Ram, Aged about 22 year, R/o  
Mukam Post Manniwali, Via Sardulsahar, District Sri  
Ganganagar, Rajasthan

.....Applicant

**(Through Advocate Mr. R.S. Shekhawat)**

**Versus**

1. Union of India through the Secretary, Ministry of Communications and Information Technology, Government of India, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur, Rajasthan.
3. Superintendent of the Post Office, Sri Ganganagar Division, District Sri Ganganagar, Rajasthan.
4. Assistant Superintendent of the Post Office Sri Ganganagar, District Sri Ganganagar, Rajasthan.

**(Through Advocate Mr D.P. Dhaka with Mr Vinit Mathur)**

.....Respondents

**ORDER (Oral)**

**Per Justice Kailash Chandra Joshi, Member (J)**

By way of this application the applicant has challenged the legality of the order Annexure A/2 by which the selection made by the competent authority to the post of Gramin Dak Sevak Branch Post Master (GDS BPM) was cancelled.

2/12

2. The short facts of the case are that respondent department invited applications for the post of GDS BPM Dharamsinghwala, Sri Ganganagar. The applicant filled the application form and respondent authorities passed the selection order whereby the applicant was selected. The applicant was allowed to appear in the training and respondent authorities posted the applicant at Branch Post Office, Dharamsinghwala Accounts Office, Sri Ganganagar. However, on 01.02.2011 applicant received a notice from the respondent department that he has been wrongly given appointment on the aforesaid post because two other candidates had secured more marks than the applicant. Therefore, cancellation of appointment of the applicant was proposed. The applicant submitted the reply to the respondent authorities and respondent authorities passed the order without answering query of the applicant. The respondent authorities in order dated 20.01.2012 did not mention the name of the candidate who secured more marks than the applicant. Being aggrieved by annexure order A/2, the applicant has filed this OA praying for following relief (s) :

- A/ By an appropriate order or direction, the impugned Notice dated 01.12.2011 (Annex. A/1) and order dated 20.01.2012 (Annex. A/2) and any consequential order may kindly be quashed and set aside.**
- B/ By an appropriate order or direction, the respondents may kindly be directed to reinstate the applicant on the post of Gramin Dak Sevak Branch Post Master Dharamsinghwala, Sri Ganganagar with all consequential benefits and seniority.**
- C/ By an appropriate order or direction, if any selection/appointment of any other candidate is made on the post of Gramin Dak Sevak Branch Post Master, Dharamsinghwala, Sri Ganganagar then the same may kindly be quashed and set aside.**
- D/ Any other appropriate relief which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the applicant.**
- E/ Application of the applicant may kindly be allowed with costs."**

2. By way of counter, the respondent-department denied the right of the applicant for selection to the post of GDS BPM and further averred that a complaint was made by Shri Take Chand regarding irregularity in appointment of GDS BPM and during the course of the inquiry of the aforesaid complaint, it came to the notice that the recruitment committee ignored DG Posts; New Delhi letter dated 17.09.2003 and failed to select the candidates who secured higher marks in 10<sup>th</sup> standard and selected the candidate with low marks in 10<sup>th</sup> standard. Therefore, the selection of the applicant was cancelled. It has been averred that Shri Sumit Kumar and Shri Chand Ratan who were having more marks than the applicant were overlooked by the selection committee.

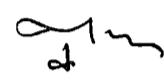
3. Earlier it was ordered by this Tribunal to submit marks obtained by each and every candidate and counsel for the respondent provided the copy of the same to the counsel for the applicant.

4. Heard the arguments presented by both the parties and perused the record as well. From the copy of the marks obtained by each and every candidate, it is clear that Shri Sumit Kumar and Shri Chand Ratan secured more marks than the applicants and their marks were overlooked by the selection committee. Therefore, on the ground of irregularity committed by the selection committee, the appointment of the applicant was cancelled.

215

5. From the record itself, it is clear that while ignoring the candidature of aforesaid two persons viz. Shri Sumit Kumar and Shri Chand Ratan, Shri Bhoop Ram (applicant) was offered the appointment ignoring the procedure. Accordingly the order passed by the competent authority regarding cancellation of appointment of the applicant cannot be said to be irregular or illegal. Hence, OA lacks merit and is dismissed with no order as to costs.

  
(Meenakshi Hooja)  
Administrative Member

  
(Justice K.C. Joshi)  
Judicial Member

ss