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CENTRAL ADMINISTRATIVE TRIBUNAL JODHPUR BENCH AT JODHPUR

Original Application No.92/2012

Jodhpur, this the 01st March, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Gurveer Singh S/o Shri Avtar Singh, aged 23 years, R/o VPO Takhat Hazara via Sadulshahar, District Sri Ganganagar, as a GDSBPM under working respondent No.4.

.....**Applicant**

Mr. Rajendra Soni, counsel for applicant.

VS.

1. The Union of India, through the Secretary, Ministry of Communication and Information Technology, Department of Posts, Dak Bhawan, New Delhi.
2. The Post Master General Rajasthan (WR), Jodhpur.
3. The Post Master, Sri Ganganagar.
4. The Accounts Officer, Posts Saibsinghwala (Mirzawali), Sri Ganganagar.
5. The Superintendent of Post Offices, Sri Ganganagar.

...**Respondents**

Mr. D.P.Dhaka for Mr. Vinit Mathur, counsel for respondents.

ORDER (ORAL)

Per Justice K.C. Joshi, Member (J)

The applicant, by way of this application, has sought the following relief(s):

"The applicant, therefore, most humbly prayed that this original application may kindly be allowed with costs and by an appropriate writ, order or direction the impugned order dated 20.01.2012 Annexure-1 may kindly be quashed and set aside and the respondents may kindly be directed to deem applicant continue in services on the post of GDS BPM.."

2. The brief facts of the case as made out by the applicant are that a meeting of Selection Committee for selection on the post of GDS BPM in respect of Mohlan (Kesarisinghpur), Sahibsinghwala (Mirzawala), Orki (Hindumalkot) and Kundlawala (Udyog Vihar) district Sri Ganganagar was held at Divisional Office, Sri Ganganagar on 05.03.2010, and after strict scrutiny, selection for the post of GDS BPM was done by the Selection Committee and selected three persons namely Gurveer Singh, applicant, Anil Kumar and Bhoop Ram, adjudging the suitability and marks obtained by them. The applicant has passed secondary examination in the year 1983 with 84.33% marks and appointment order was issued to the applicant vide order dated 05.03.2010 and he was selected for three posts Mahlan (Kesarisinghpur), Sahibsinghwala (Mirzawali) and Orki (Hindumalkot) respectively. In pursuance to order dated 05.03.2010, the applicant joined his duties as Sahibsinghwala vide Memo dated 16.03.2010. Due to some extraneous considerations and reasons best known to Superintendent of Post office, Circle Sri Ganganagar, vide letter dated 01.12.2011 the appointment of the applicant was proposed to be cancelled and a show cause notice was issued in this regard. The applicant replied to the show cause notice, but vide order dated 20.01.2012 his services were terminated without giving him any opportunity of hearing. Therefore, he has filed this OA for the relief(s) referred in para No.1 of this order.

3. By way of reply, the respondents averred that the Selection Committee while holding the selection ignored the Director General Posts, New Delhi's letter dated 17.09.2005 and failed to select the

candidates who secured higher marks in 10th, and selected the candidates who had lower marks in the 10th standard. The responsible officers i.e. Shri U.R.Saharan, ASP (HQ) and Amarjeet Singh Gil, Dealing Assistant, who while ignoring the more meritorious persons and selecting the less meritorious persons, were served the charge sheet in pursuance to the enquiry. The respondents, therefore, contended that order passed by the competent authority cannot be quashed and prior to the termination of services, notice was served to the applicant as at Annexure-A/4, dated 01.12.2011.

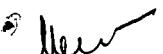
4. Heard both the counsels. Counsel for the applicant contended that Annexure-A/4 notice does not refer to the marks obtained by each candidate and simply states that less meritorious candidates were selected while ignoring the higher meritorious candidates. Without informing him about the marks obtained by all the persons, he could not make effective representation/reply to the department, therefore, he was not given the full opportunity to represent his case against the notice dated 01.12.2011 (Annexure-A/4).

5. Per contra, counsel for the respondents defended the order at Annexure-A/1, as the selection was set aside on justified grounds.

6. We have considered the rival contentions of both the parties. It is an admitted fact that the Annexure-A/4 by which the applicant was informed about the irregularities does not refer to the marks obtained by the all candidates and as to how he was less

meritorious than the other candidates. Therefore, taking into consideration entire facts and circumstances of the case, we are disposing of this OA with a direction that respondents shall inform the applicant about his merit number vis-à-vis the other candidates and marks obtained by each candidate\$, and how the Selection Committee allotted the wrong marks by following a wrong procedure. Applicant shall file his reply on the basis of information provided by the respondents and thereafter the respondents shall pass a speaking order in accordance with law. The respondents are directed to complete all the process within four months from the date of receipt of a copy of this order. Applicant is also directed to cooperate with the department for filing the reply timely.

7. With these observations, the OA is disposed of. No order as to costs.


[Meenakshi Hooja]
Administrative Member


[Justice K.C. Joshi]
Judicial Member

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