

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

MA 486 of 1998
(OA 823 of 1997)

Present : Hon'ble Mrs. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Mr. S. Biswas, Administrative Member

Dudhikumar Halder, son of Late Sricharan
Halder, Vill. & P.O. Chaitanyaapur, P.S.
Mendirbazar, 24-Parganas(S).

.....Applicant

- VS -

- 1) Union of India, service through the Director General, Post and Telegraph Deptt., Yegajeh Bhawan, Calcutta.
- 2) The Chief Post Master General, W.Bengal Circle, Yegajeh Bhawan, Calcutta.
- 3) The Superintendent of Post Offices, South Presidency Division, Baruipur, 24-Parganas(S).
- 4) The Inspector of Post Offices, Joragarh Mazilpur Sub-Division, 24-Parganas(S).
- 5) Employment Exchange Officer, Diamond Harbour Employment Exchange, Diamond Harbour.

....Respondents

For the Applicant : Mr. A.K. Rey, Counsel

For the Respondents: Mr. S.K. Butta, Counsel(Official)

Mr. S.K. Ghosh, Counsel(Pvt. Respondent No.4).

Date of Order : 17-01-2003

ORDER

HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN(J)

Heard Mr. A.K. Rey, Lt. Counsel for the applicant, Mr. S. K. Butta, Lt. Counsel for the official respondents and Mr. S. K. Ghosh, Lt. Counsel for the private respondent No.4. We have also perused the pleadings on records.

2. From a perusal of the documents on record, including the certificate pointed out by the Lt. Counsel for the applicant

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Contd....

regarding fulfilment of the requirement of possession of landed property by the applicant at the relevant time, it is noticed that the documents placed at pages 17 & 18 of the paper book is dated 4-3-1997. The Lt. Counsel for the official respondents has submitted that the date of submission of the application by the applicant for consideration for appointment to the post in question is dated 7-7-97. He has further submitted that the requirement of possession of landed property was one of the conditions laid down under the relevant Recruitment Rules. The respondents have stated in their counter affidavit that regarding landed property of 10 candidates, including the applicant, the B.L. & L.R.O. Officer was requested to send the verification report. In the report of B.L. & L.R.O. Officer it is stated that the landed property of only one candidate, namely, respondent No.4 was demarcated and he was accordingly tentatively selected for the post of E.D.S.P.M.

3. The Lt. Counsel for the applicant has vehemently submitted that the applicant had submitted proof of possession of landed property at the time of interview which we cannot agree. Admittedly, the applicant had submitted proof of possession of landed property as required under the Recruitment Rules at the time of submission of the application form. The documents, relied upon by him with regard to the facts, are dated subsequently.

4. In the facts and circumstances of the case, the action of the official respondents cannot be faulted nor we find any justifiable grounds to interfere in the matter.

5. In the result for the reasons given above, the O.A. is dismissed. No Costs.

J. A.
Member(A)

Jahid Smethie
Vice-Chairman(J)