

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA 913 of 1997

Present : Hon'ble Mr. B.P. Singh, Administrative Member  
Hon'ble Mr. N. Prusty, Judicial Member

Biplob Kumar Banik, son of Sri Nani Lal Banik, residing at Vill. & P.O. Anchna, P.S. Mandirbazar, Dist: 24-Parganas (South).

.....Applicant.

- Versus -

- 1) Union of India, service through the Secretary, M/o Communications, D/o Posts, Dak Bhawan, New Delhi-110001.
- 2) Chief Postmaster General, West Bengal Circle, Yoga Yog Bhawan, Calcutta.
- 3) Superintendent of Post Offices, South Presidency Division, P.O. Baruipur, Dist: South 24-Parganas.
- 4) Ms. Pratima Naskar, W/o Sri Kamlesh Naskar, Branch Post Master, Anchna Via Ghateswar SO, Dist: South 24-Parganas.

... Respondents

For the Applicant : Mr. N. Bhattacharjee, Counsel

For the Respondents: Mr. S.P. Kar, Counsel

Date of Order : 30-7-2002

ORDER

MR. B.P. SINGH, AM

This O.A. has been filed by the applicant against his non-selection on the post of Extra Departmental Branch Post Master (EDBPM), Anchna Post Office and against the selection of respondent No.4. The applicant has prayed for the following reliefs :

- a) The impugned order appointing the respondent No.4 to the post of ED Branch Postmaster, Anchna P.O. be set aside and quashed.
- b) The respondents be directed to appoint the applicant as ED Branch Postmaster, Anchna P.O. if he is otherwise found fit and suitable.

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2. A vacancy arose on the post of EDBPM, Anchna Post Office on the promotion of the regular incumbent. Therefore, the same was advertised through Employment Exchange and the Employment Exchange was directed to sponsor name of suitable candidate on 8.8.96 within specified period i.e. by 6-9-1996. When no positive response was received from the Employment Exchange within the target date a local notice was issued on 1-11-96 for filling up the post of EDBPM. In response to the local notice, 14 candidates including the applicant and the private respondent No.4 applied for the said post. They were called for verification of their bio-data in the Office of the respondent No.3 on 22-3-1997. Out of 14 candidates, all including the applicant and the private respondent No.4 appeared except two candidates on the date of verification of their bio-data. On comparative merit of the candidates the private respondent No.4 was selected and has been offered appointment. The applicant when came to know about this he was surprised by the decision of the respondent authorities as the private respondent No.4 has passed the Secondary Examination in the Second Division whereas the applicant has passed in the First Division. The applicant also fulfilled all other conditions prescribed for the post. The applicant had better claim on the post; but his candidature was overlooked and private respondent No.4 was selected ignoring his entitlement for selection. Being aggrieved by the said order the applicant filed this O.A. and prayed for the reliefs as stated above.

3. The O.A. was taken up for hearing on 20-1-2000 when it was brought to the notice of the Tribunal that the private respondent No.4 has resigned from the post and thus the vacancy has arisen. The applicant, therefore, prayed for interim order for protecting his interest and the Hon'ble Tribunal, as an interim measure, directed the respondents not to give any further appointment on the post which is under challenge till further orders.

4. We have heard 1d. Counsel for the applicant as well as 1d. Counsel for the respondents and have gone through the records placed before us.

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5. The case was contested by the respondents by filing reply to which rejoinder has also been filed by the applicant.

6. The Ld. Counsel for the applicant reiterated the fact and submitted that the applicant fulfilled all the prescribed conditions. He secured higher marks than the private respondent No.4. Therefore, he should have been selected and given appointment on the post. But instead the private respondent No.4, who secured less marks than the applicant, was selected.

7. The Ld. Counsel for the applicant further submitted that from the reply of the respondent authorities it is clear that certain columns of the questionnaire forms which were required to be filled in by the candidate at the time of verification of bio-data enclosed as Annexure-A/1 to the reply was not filled up by the applicant and on this ground the candidature of the applicant was not considered for the post of EDB PM. Therefore, the next suitable candidate, namely, the private respondent No.4 was selected and given offer of appointment. The Ld. Counsel submits that there is no provision in the Rules for filling up the questionnaire forms. Therefore, non-filling of the same does not disqualify the applicant for being considered for selection on the post of EDB PM.

8. The Ld. Counsel for the applicant further submits that the main conditions prescribed in the Rule for selection on the post of EDB PM was that the candidate must secure highest marks in the Secondary Examination amongst all eligible candidates and he must have immovable property in his name. The applicant fulfilled these two conditions. The applicant had immovable property and he also secured highest marks in the Secondary Examination than the private respondent No.4. Therefore, he should have been considered for selection and offered appointment on the post. Since this was not done, the Ld. Counsel submits that a great injustice was done to the applicant. Therefore, the said order should be quashed and the respondents be directed to appoint the applicant on the said post which has fallen vacant due to resignation of the private respondent No.4.

J.W.M

9. The Lt. Counsel for the respondents admitted the fact as stated above and reiterated that no doubt the applicant secured highest marks in the Secondary Examination compared to the private respondent No.4. Since the applicant did not fill up the questionnaire form properly and did not furnish the required information which was vital and very much related to the criteria laid down for the selection, the applicant could not be considered for selection on the post and his candidature was rejected. The Lt. Counsel drew our attention to the questionnaire form enclosed as Annexure-A/1 to the reply. The said form was filled up by the applicant on 22-3-1997 and the applicant left blank without any reply to question No.9, 10, 13, 16, 17 and 18 and gave incomplete information against question No.3. If the applicant was not in a position to fill up the questionnaire form he could have taken help of anybody in the Office of the respondent No.3 where the verification of bio-data was done. Instead of taking help of anybody, he filled up the questionnaire form leaving blanks as stated above. The information required in this questionnaire form was very vital for arriving at a decision for selection on the post of EDB PM. Since the same was not supplied by the applicant, his candidature was rejected and he was not considered for selection for the said post. The Lt. Counsel further submits that this questionnaire form has been prescribed by the Department for verification of bio-data of the candidate and this is nothing but a list of various conditions, prescribed for the post in various orders, rules, decisions etc. of the Department. Therefore, this is part and parcel of the selection process which was required to be completed and the same was not completed by the applicant. So, the version of the Lt. Counsel for the applicant that there is no provision in the Rules about the questionnaire form and about filling up of the same by the candidate is not convincing and correct.

10. The Lt. Counsel for the respondents on the basis of the above submission submits that since the applicant himself did not fill the questionnaire form properly at the time of verification of

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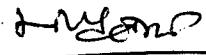
bio-data, his candidature for the post of EDBPM was not considered and was rejected. Therefore, there is no merit in the case. Hence, it should be dismissed.

11. From the above discussion, it is clear that the respondent authorities did not consider the candidature of the applicant for the post of EDBPM because he did not fill in the questionnaire form properly and on this ground alone candidature of the applicant was rejected and not considered. We do not find any fault in the decision of the respondent authorities as the applicant himself failed to fill up the questionnaire form fully and properly. Therefore, we do not find any case for interference in the order already passed by the respondent authorities.

12. It is also submitted by the Ld. Counsel for the applicant that respondent No.4 has since resigned from the post of EDBPM, the said post has fallen vacant and the Hon'ble CAT directed the respondents not to fill up post till disposal of the O.A. As such we vacate the interim order with a direction to the respondent authorities to re-advertise the vacancy and if the applicant takes a chance of applying for the said post so advertised then the respondent authorities should consider the application of the applicant, if made, in accordance with departmental rules and procedures. With the above observation, we dispose of the O.A. No order as to costs.



Member (3)



Member (4)

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