

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 1475 of 1997

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman
Hon'ble Mr. B.P. Singh, Administrative Member

Shri Madhab Ray, son of Debendra Nath Ray,
aged about 28 years, residing at Vill. Khardah,
P.O. Tulaiberia, Dist. Howrah, PIN 711 401

..... Applicant

-vs-

1. Union of India, service through the
Secretary, Department of Postal & Telecommu-
nication, Dakbhawan, New Delhi ;
2. The Post Master General, Calcutta General
Post Office, Calcutta - 700 011 ;
3. The Sr. Superintendent of Post Offices,
Howrah Division, Dist. Howrah-1 ;
4. SBI (P) Amta Sub-Division, P.O. Amta,
Dist. Howrah.

..... Respondents

For applicant : Mr. A.Chakraborty, counsel

For respondents: Mr. S.N. Das, counsel

Heard on : 15.03.1999

- Order on : 17.03.1999

O R D E R

S.N. Mallick, VC

In this O.A., the petitioner has prayed for a direc-
tion upon the respondents to publish the result of selection
test already held for appointment in the post of E.D.B.P.M.,
Siddheshwar Branch Office immediately.

2. The facts of the case may be briefly stated below :

In pursuance of an advertisement, the petitioner
applied for the post of E.D.B.P.M., Siddheshwar Branch Office
under the jurisdiction of S.D. I.(P), Amta Sub-Division, the

respondent No.4. As per notice dated 4.6.97(Annexure-A) issued by the Senior Superintendent of Post Offices, Howrah Division, the petitioner appeared at his office on 18.6.97 along with all necessary papers and documents he was directed to produce (vide Annexure B series). For the purpose, the petitioner had also hired a room from one Tarapada Mondal of the Village Siddheswar as per Agreement dated 16.6.97. The said agreement was in force for one year. It was further undertaken by the aforesaid Landlord in the said Agreement(Annexure-B) that in case of necessity, he would allow his 'Baithakkhana' to be used for office purpose of the petitioner. This undertaking was incorporated in the agreement by the landlord on 11.7.97. The postal authorities by their letter dated 6.10.97(Annexure-C) asked the petitioner to intimate within seven days as to whether he was likely to take up his residence in the said rented room at Siddheswar and if so whether the said room would serve both the purpose of the Branch Post Office as well as his residence. He was further directed to obtain a declaration from the owner of the rented house to the effect that he had no objection in functioning the present Siddheswar Branch P.O. there and would not take recourse to evict the petitioner in any way in future. The petitioner by his letter dated 16.10.97 (Annexure-D) informed the respondents accordingly and further informed that he had also rented another room from the aforesaid Tarapada Mondal for office use. It is further averred by the petitioner that he has come to know from the office of the respondent No.3 that he has stood first in the selection test as he has got the highest mark in the aforesaid test. But inspite of that, the respondent authorities have not taken any

step to publish the result and to give him appointment to the said post. Accordingly, the petitioner prays for a direction that the result of the selection test to be published immediately and appointment letter be issued by the respondent authorities in favour of the eligible candidate.

3. The respondent authorities have filed a reply to the instant O.A. It is admitted that the petitioner got the highest mark in the selection test, but it is their further case that the owner of the said room refused to bear the same for being used as Branch Post Office and as such a report was submitted by the SDI(P) to the higher authorities dt.12.11.97 as per Annexure R/4.

4. The petitioner in his rejoinder has annexed rent receipts for the said room issued by Tarapada Mondal up to January, 1999. In view of these documents submitted on the side of the petitioner, Mr. S.N. Das, Lt. Counsel appearing for the respondents, has in all fairness conceded that there is no arguable defence in this case on behalf of the respondents. Admittedly, the petitioner stood first in the selection test. He has filed all necessary documents and Mr. Das contends that there is no legal bar to the publication of the result of the selection test and to give appointment to the eligible candidate.

5. After hearing the Lt. Counsel appearing for both the parties, we dispose of this O.A. at the stage of admission with the following direction :

The O.A. stands allowed and the respondents are directed to publish the result of the selection test held for giving appointment in the post of E.D.B.P.M., Siddeshwar Branch Office and to issue appointment letter to the eligible candidate within four weeks from the date of communication of this order.

6. No order is made as to costs.

D.N. Singh
(B.P. Singh)
Member(A)

S. N. Mallick
(S.N. Mallick)
Vice-Chairman