

Central Administrative Tribunal

Calcutta Bench

...

Monday, the 19th day of November, Two Thousand One.

PRESENT

Hon'ble Shri S. Biswas, Administrative Member and

Hon'ble Shri Shanker Raju, Judicial Member.

Original Appln. No. 292 of 1997

Dulal Chandra Purkait ... Applicant

Mr. N. Bhattacharjee ... Counsel for the Applicant

..vs..

1. UU I rep. through  
Secretary  
M/o Communications  
Dept. of Posts, Dak Bhavan  
New Delhi.

2. Chief AMG, West Bengal  
Circle Yoga-yog Bhavan  
Calcutta-12.

3. Supdt. of Post Offices  
South Presidency Division ... Respondents  
P.O. Baruipur  
Dist. South 24 Parganas.

4. Shri P.K. Naskar

Mr. S.K. Dutta ... Counsel for the Respondents.

Order: Pronounced by Shri Shanker Raju, Hon'ble Judicial Member.

...

Heard the parties.

2. The applicant who has been appointed as Extra Departmental Mail Carrier and was also holding a dual charge of Extra Departmental Branch Post Master(EDB PM) has sought quashing of the appointment of one P.K. Naskar, who has been impleaded as Respondent No,4 on the ground that under the same selection, the respondents in controvvention of their own guidelines contained in letter dated 7.11.98 as well as letter dated 12.9.88, the applicant has not been given participation in the selection process and also was not given priority as EDA despite being eligible in all respect as per the recruitment rules for the post of ED B PM. It is in this background, is stated for the applicant that his case was not considered by the respondents.

3. On the other hand, the learned counsel for the respondents stated at the out set though no reply has been filed that there is no suo moto absorption of a person just because of having been taken charge as EDB PM and that

in order to appoint the applicant, he submits that the applicant has to fulfil the eligibility criteria and also to participate in the selection process.

3. Having regard to the rival contention of the parties and also having perused the records, we do agree with the learned counsel for the applicant that having approached the respondents for participation in the selection process for appointment to the post of ED B PM alongwith others, the applicant has been denied the same. We also find that the applicant has stated that he has fulfilled all the eligibility criteria laid down under the relevant rules for appointment to the post of ED B PM. As regards the contention of the applicant that giving priority over all candidates for appointment to the post, if the incumbent is working as EDA the same cannot be countenanced it has been held by the Full Bench decision of this Tribunal wherein it has been held that the incumbent cannot be given any weightage for regularisation or otherwise.

4. However, ends of justice would be met if the respondents are directed to consider the applicant for appointment

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as EDB PM subject to availability of vacancies and also subject to suitability of the applicant in accordance with the relevant rules. The sponsorship through employment exchange shall not be treated as an impediment for considering the applicant in this situation. OA is disposed of accordingly.

S. Raju

(SHANKER RAJU)  
MEMBER(J)

S. B. ISUAS  
(S. B ISUAS)  
MEMBER(A)

19.11.2001.

MB.