

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 357 of 1997.

Date of Order : 16.07.2003.

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

Biswanath Saha

- VS -

Union of India & Ors.

For the applicant : Ms. B. Ghosal, counsel
Ms. S. Das, counsel

For the respondents : Ms. U. Sanyal, Counsel.

O R D E R

MR. B. P. SINGH, AM :

This application has been filed by the applicant against rejection memo dated 13.11.95 by which the recruitment to the cadre of Postal Assistant from the Extra Departmental Officials against unfilled vacancies of departmental quota of 1994 was closed. The applicant has prayed for the following reliefs:

- " a) To direct the respondents to cancel, withdraw and/or rescind the impugned memo dated 13.11.95 communicated vide memo dated 13.06.96, being Annexure 'A-1' hereof;
- b) To direct the respondents to give appointment to the applicant to the said post of Postal Asstt. in consideration of his qualification, recruitment rules of the Govt. of India and memo dated 6.4.95.
- c) To direct the respondents to deal with and/or dispose of the representations.
- d) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for adjudication of the points at issue;
- e) And to pass such further or other Order or Orders and/or Directions or Directions as to this Hon'ble Tribunal may deem fit and proper."

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2. The applicant is a member of O.B.C. and joined as Extra Departmental Mail Peon (EDMP) at Bagdabra in April, 1995 and since then he has been working in the post diligently, sincerely and efficiently. The respondent no.03 vide his memo dated 6.4.1995 enclosed as annexure 'A' invited applications from Extra Departmental Agents with prescribed qualification, experience etc., for the post of Postal Asstts. against departmental quota vacancies remaining unfilled. The applicant had requisite qualification and fulfilled conditions and he was expecting his selection on the post. But suddenly on 13.11.95 the applicant came to know about the decision of the Chief Post Master General that the result for selection of Postal Assts. against the departmental quota as well as direct quota for the year 1994 has already been announced and, therefore, there is no scope for offering vacancies to the Extra-departmental Agents who are eligible for promotion against the departmental quota of Postal Assistants cadre and, therefore, the case was treated as closed. Aggrieved by the said order, the applicant had filed this O.A. and prayed for the reliefs stated above.

3. Ms. B. Ghosal, 1d. counsel leading Ms. S. Das, 1d. counsel appears for the applicant and Ms. U. Sanyal, 1d. counsel appears for the respondents. Reply and rejoinder have already been filed in this O.A.. We have heard the 1d. counsels and gone through the application, reply and rejoinder.

4. 1d. counsel for the applicant submitted that the applicant

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fulfilled the prescribed conditions for selection on the post of Postal Assistant against the E.D.A. against the unfilled vacancies of departmental quota and accordingly he applied for the same and he was found eligible for such selection. The applicant expected his selection on the post when suddenly he came to know that the said process has been closed on the ground that the result for selection on the post of Postal Assistant against direct quota and departmental quota has since been already announced. The 1d. Counsel for the applicant submitted that when the applicant was found eligible for the post, his application was sent back to the respondent No.03 and the applicant came to know that his case would be considered as soon as the selection board is formed or constituted as per rules, the applicant was expecting his selection on the post. But before such selection board could be constituted, the result of the selection of Postal Assistants against direct quota and departmental quota was announced. The case of the applicant was not thus considered and he was deprived of a life time chance for promotion to the cadre of Postal Asstt. The 1d. counsel submitted that the respondent authorities did not appear to have acted with fairness and transparency.

5. The 1d. counsel for the respondents submitted that no doubt, after the direct recruitment, departmental quota of 18 vacancies remained unfilled. For filling up of these vacancies, applications were invited from eligible E.D. Agents for

selection on the post of Postal Assistant against the unfilled departmental quota. Applications were received and the applicant was one of the candidates who was eligible for being considered for such post. The eligible candidates were required to be considered by the properly Constituted Selection Committee. But before the Selection Committee could be constituted and the candidatures of all the applicants including the present petitioner could be considered, it came to the notice of the administration that the result of selection for the post of Postal Assistant against direct quota as well as departmental quota has already been announced and, therefore, the question of consideration of the eligible candidates did not arise. According to the prescribed rules, once the result has been announced, the unfilled vacancies, if any, were required to be carried over to the next year for further selection. In other words, no doubt, the applicant was eligible for the post against the unfilled vacancies of the departmental quota and he was the only candidate but his candidature was not considered by the duly constituted Selection Committee and, therefore, he does not have any claim to the post of Postal Assistant because he made application as one of the eligible candidates for the post and no further action has been taken for selection to that post. As such, since the process of selection was not completed and the applicant was not finally selected and approved for the post by the competent authority, he has not acquired any substantive right for the post. In addition to this, the 1d. counsel further submits that

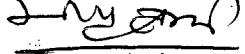
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in the subsequent year the applicant applied against similar vacancies and was selected and appointed as Postal Assistant on 27.10.1999. In view of the above, the ld. counsel for the respondents submits that the applicant has no case and, therefore, the same should be dismissed.

6. In view of the above submissions, we find no merit in this case and, therefore, we dismiss the application without any order as to costs.


MEMBER (J)


MEMBER (A)