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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA No. 060/00750/2014

Pronounced on : 10.8.2015

Reserved on : 06.08.2015

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)**

Jaspreet Singh s/o Mohinder Singh r/o V.P.O. Badhai, Tehsil and District Muktsar.

.....Applicant

BY ADVOCATE: **NONE**

VERSUS

1. Chief Post Master General, Punjab Postal Services, Sandesh Bhawan, Sector 17, Chandigarh.
2. Superintendent of Post Offices, Faridkot Postal Division, Faridkot (Pb.).
3. The S.D.I. (P), Sub Division, Muktsar.
4. Gurvinder Singh, s/o Gurdip Singh c/o Shinder Pal Singh, Mail Overseer, V.P.O. Badhai, Tehsil & Distt. Muktsar.
5. Shinder Pal Singh, Mail overseer, S.D.I. (P) Office, Muktsar Sub Division, Muktsar.

.....Respondents

BY ADVOCATE: **MR. G.S. SATHI**

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, praying that the appointment of

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respondent No. 4 as GDS be set aside and the respondents No. 1-3 be directed to select and appoint the applicant as GDS in place of respondent No. 4 from due date.

2. Averment has been made in the OA that a vacancy for the post of GDS arose at Village Badhai falling in the jurisdiction of respondents No. 2 & 3 who are working in the supervision of respondent No. 1. This vacancy was not advertised by the respondents in any manner although the rules required that such vacancy be circulated in the village or from the office of the concerned village sarpanch by displaying public notice or through the public address system in the village where the vacancy had accrued since the vacancy had to be filled from the persons of the village where it arises.

3. It is further stated that the applicant in anticipation inquired about the vacancy on 7.2.2014 from the office of respondent No. 3 and was told that the last date to apply was 28.2.2014. The applicant submitted his application on 22.2.2014 (Annexure A-2). However, the applicant was only informed about the result and when he inquired from the office of respondents No. 2 & 3 to no effect, he applied for the copy of the result under the

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RTI Act and came to know that respondent No 4 had been given the appointment as GDS and that last date to apply for this post was 9.2.2014 and he was wrongly informed by respondent No. 3 that the date was 28.2.2014, just to defeat the claim of the applicant. The respondent No. 4 who had been appointed as GDS, was the son-in-law of respondent No. 5 and hence, his appointment should be quashed. Reference has also been made to a representation dated 04.04.2014 (Annexure A-4) allegedly submitted by the Gram Sabha and Gram Panchayat, Village Badhai regarding wrong selection of GDS BO Badhai and misuse and embezzlement of NREGA funds.

4. In the written statement filed on behalf of respondents No. 1-3, it has been positively asserted that the respondent No. 3 made wide publicity in the area for filling up the post in question by way of public announcements through Area Mail Overseer on 13.01.2014. A copy of certificate indicating announcement in the base village duly signed by the Sarpanch Gram Panchayat Badhai and Granthi of Gurdwara Badhai is annexed as Annexure R-1. A large number of candidates applied for the post (Annexure R-2) which abundantly proves the fact that the post in question was

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given wide publicity and therefore the allegations made by the applicant are patently incorrect and deliberate attempt has been made to mislead this Tribunal. There is no such ruling for engagement of GDS from the base village. As per rules contained in GDS (Conduct and Engagement) Rules, 2011 under Rule 3-A(vii) **“Residence in post village/delivery jurisdiction of the post office within one month after selection but before engagement shall be mandatory for a sevak”**. Extract of rule is annexed as Annexure R-3. Furthermore, it is clear from respondent No. 4's affidavit annexed as Annexure R-4 that he has shifted his residence in base village before his engagement, as is required under the Rules. No malafide or discriminatory practice has been adopted in the recruitment process and the allegations of the applicant are therefore absolutely vague and without any foundation. Furthermore, the applicant has no locus standi to file the instant OA and Public Interest Litigation is not maintainable under the provisions of the Administrative Tribunals Act.

5. Rebuttal has also been filed on behalf of respondent No. 4 stating that after coming to know about the announcements made by S. Jagjit Singh, Granthi of Gurudwara Village Badhai, the

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deponent collected application from him for the post of GDS and submitted the same duly filled in to the SDI (P), Muktsar. The affidavit of S. Vakil Singh dated 21.2.2015 is absolutely false as repeated announcements were made by the Granthi of the Gurudwara over loudspeaker which was heard by the villagers and a certificate signed by 20 residents of the village is appended as Annexure R-6/1.

6. Rebuttal has also been filed on behalf of respondent No. 5 stating that he contacted Sh. Vakil Singh, Sarpanch, Village Badhai and handed over to him the letter alongwith the proforma (Annexure R-5/1). A copy of the same was sent under registered cover to Sh. Vakil Singh which was received by him on 13.01.2014 (Annexure R-5/2). Requisition was also sent to the Employment Officer, Muktsar on 09.01.2014 for sponsoring the candidates for appointment as GDS (Annexure R-5/3). The names of 20 candidates were sent by the Employment Officer vide letter dated 07.02.2014 (Annexure R-5/4). Besides 20 candidates sponsored by the Employment Officer, Muktsar, 10 applications were received with reference to the announcements made by Granthi of the Gurudwara, Badhai Sh. Jagjit Singh. An affidavit from Sh Jagjit

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Singh dated 19.03.2015 is annexed as Annexure R-5/5. In response to the announcements made by the Granthi of the Gurdwara, Smt. Kiranjit Kaur w/o Sh. Vakil Singh and his brother Bharpoor Singh also submitted applications for the post of GDS.

7. When the matter was taken up for consideration on 06.08.2015, the applicant was not represented. Hence, we invoked Rule 15 of the CAT Procedure Rules and proceeded to decide the matter.

8. Mr. G.S. Sathi, learned counsel for the respondents No. 1-3 reiterated the content of the written statement.

9. We have given our thoughtful consideration to the matter. From the material on record, it is quite clear that ample publicity had been made regarding the selection for the post of GDS Badhai. The Employment Exchange had also been notified of the same and as per the list annexed with the written statement, there were 41 candidates who submitted their applications. Some of these applications were received after the prescribed date of 09.02.2014. Since the applicant admittedly applied for the post of GDS Badhai on 22.02.2014, his application could not be

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considered as the same had been filed after the prescribed date.

Hence, there is no merit in the OA and the same is rejected.

(RAJWANT SANDHU)
MEMBER(A)

(SAÑJEEV KAUSHIK)
MEMBER(J)

Dated: 10.8.2015.
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