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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00730/2014

Chandigarh, this the 08th Day of April, 2015

...
**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

...
Mahender Singh son of Jagdish Chander, resident of Village Pirthala, Tehsil Tohana, District Fatehabad now resident of village Sarangpur, Tehsil Adampur, District Hisar.

... Applicant

Versus

1. The Union of India through its Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, Ambala Cantt. Ambala.
3. Superintendent Post Office, Hisar.
4. Sub-Divisional Inspector, Post Office, Tohana, District Fatehabad.
5. Branch Post Master, Pirthala, District Fatehabad.

... Respondents

Present: Mr. Amit Singla, counsel for the applicant.
Mr. B.B. Sharma, counsel for the respondents.

ORDER

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

1. This O.A. has been filed seeking issuance of direction to the respondents to appoint the applicant as GDSBPM, Pirthala, Tehsil Tohana, District Fatehabad.

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2. It has been stated in the O.A. that the applicant applied for the post of GDSBPM in pursuance to letter dated 13.06.2007 issued by the respondents. He was selected and appointed as Branch Post Master, Pirthala (Outsider) and worked on this post since 05.03.2008 till 25.07.2008. The applicant was removed from the post without notice and without being given an opportunity of hearing since one Sh. Naresh Kumar son of Sh. Ramsarup resident of village Hassanga, Tehsil Ratia, District Fatehabad was appointed to this post. The services of Sh. Naresh Kumar were terminated vide order dated 16.08.2011. Sh. Naresh Kumar impugned the termination order through O.A. No.959/HR/2011 which was dismissed by the Tribunal vide order dated 13.11.2013 (Annexure A-1). The applicant then sought information under RTI regarding merit list for post of GDSBPM at Pirthala and he came to know that candidates at serial no.1, 2 and 4 were no more interested to work on the post of GDSBPM. The applicant was at serial no.5 and services of Sh. Naresh Kumar, who was at serial no.3 in the merit list had been terminated. The applicant then submitted representation dated 03.02.2014 to the Assistant Director, Post Offices, Ambala, and dated 30.12.2013 to Superintendent of Post Offices, Hisar to reappoint the applicant in view of advertisement dated 13.06.2007 (Annexure A-5 and A-6). The Superintendent of Post Offices, Hisar conveyed to the applicant vide letter dated 24.02.2014 that the post

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of GDSBPM would be filled by re-notifying the vacancy (Annexure A-7). Hence this O.A.

3. In the grounds for relief it has, inter alia, been stated that the clarification issued by the Indian Postal Department has not been taken into consideration wherein it has been clarified in order No.19-14/2010/GDS dated 18.10.2013 that if a selected candidate does not join the post within time then the next 5 candidates would be called upon. In the present case, order of termination of Sh. Naresh Kumar was passed on 11.12.2013 with immediate effect and the candidates at serial no.1, 2 and 6 having refused to accept the post, therefore, the applicant deserved to be appointed to the post of GDSBPM. The merit list was valid for one year and this must be counted from the order dated 11.12.2013 i.e. termination of Sh. Naresh Kumar.

4. In the written statement filed on behalf of the respondents facts of the matter have not been disputed. It has further been stated that the applicant is claiming appointment to the post of BPM Pirthala on the basis of merit list prepared on 23.07.2007 whereas any panel drawn for a particular post cannot have validity for an unlimited period. In the instant case, there has been a gap of almost 7 years. The Department of Posts vide order dated 25.06.2010 (Annexure R-20) had also clarified that the select panel drawn for a particular post of GDSBPM will have the

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validity of one year from the date it is drawn up and will lose its validity after a candidate joins or time of one year has passed. In the light of these orders, the post of BPM Pirthal needs to be advertised/notified afresh and the applicant is at liberty to apply for the post once it is advertised. His claim for his appointment as BPM Pirthala on the basis of panel/merit list prepared on 23.07.2007 is not as per rules and law and as such deserved to be dismissed. It has also been denied that the applicant was selected on regular basis. The post of BPM Pirthala was vacant and alternative was required to be made so that the work was not affected. The applicant was allowed to work as substitute (stop-gap arrangement) along with other outsider for a limited period till regular incumbent joined the post. This arrangement was discontinued once the regular selection was made.

5. Arguments advanced by learned counsel for the parties were heard when learned counsel for the applicant narrated background of the matter and pressed that the claim of the applicant for selection as GDSBPM be considered as he was the only candidate remaining in the merit list eligible and interested for appointment as GDSBPM. Learned counsel also referred to circulars dated 25.06.2010 (Annexure R-20) and 18.10.2013 (Annexure R-21) to buttress his claim for appointment as he figured in the merit list.

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6. Learned counsel for the respondents stated that selection for GDSBPM took place in July 2007 and validity of the select list as per Annexure R-20 and R-21 was only one year. Hence Department could not consider the applicant for appointment against the post of GDSBPM, Pirthala and fresh selection would be held for this post.

7. We have carefully considered the matter. From a plain reading of the circulars dated 25.06.2010 and 18.10.2013 (Annexure R-20 and Annexure R-21) it is clear that the validity of the select panel is only one year. Since the selection took place in 2007, the applicant cannot have claim in 2014 for appointment as GDSBPM as per the merit list prepared at that time. Hence the O.A. is rejected.

B. A. Agarwal
(DR. BRAHM A. AGRAWAL)
MEMBER (J)

R. Sandhu
(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh
Dated: 08.04.2015.

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