

**Central Administrative Tribunal
Principal Bench**

OA No. 3818/2017

Order Reserved on: 12.01.2018
Order Pronounced on: 18.01.2018

***Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)***

Ms. Subh Lata,
Age 32 years, Gramin Dak Sevak Group-C,
W/o Sh. Anand Singh,
Jharoda Kalan, New Delhi-110072
Address for service of notices
C/o Sh. Pradeep Kumar, Advocate
Ch. No.665, Western Wing,
Tis Hazari Courts, Delhi-110054.

... Applicant
(By Advocate: Mr. Pradeep Kumar proxy for Sh. Sant Lal)

Versus

1. Union of India through
The Secretary,
Ministry of Communications & I.T.,
Department of Posts, Dak Bhawan,
New Delhi-110001.
2. The Asstt. Director General (GDS),
Department of Posts (GDS Section),
Ministry of Communications & I.T.,
Department of Posts, Dak Bhawan,
New Delhi-110001.
3. The Chief Post Master General,
Delhi Circle, Department of Posts,
Meghdoot Bhawan,
New Delhi-110001.
4. The Senior Superintendent of Post Offices,
New Delhi West Division,
Naraina, Delhi-110028.

... Respondents
(By Advocate: Mr. V.P.Sharma proxy for Mr. K.K.Sharma)

ORDER ON INTERIM RELIEF

By Hon'ble Ms. Nita Chowdhury, Member (A)

Matter was heard today on interim relief. It is the claim of the applicant that the present case is squarely covered by the judgment of Hon'ble Supreme Court in **R.S.Mittal vs. Union of India and others**, 1995 (1) SC SLJ 444 and he has quoted as under:

“12. It is no doubt correct that a person on the select- panel has no vested right to be appointed to the post for which he has been selected. He has a right to be considered for appointment. But at the same time, the appointing authority cannot ignore the select-panel or decline to make the appointment on its whims. When a person has been selected by the Selection Board and there is a vacancy which can be offered to him, keeping in view his merit position, then, ordinarily, there is no justification to ignore him for appointment. There has to be a justifiable reason to decline to appoint a person who is on the select-panel. In the present case, there has been a mere inaction on the part of the Government. No reason whatsoever, not to talk of a justifiable reason, was given as to why the appointments were not offered to the candidates expeditiously and in accordance with law. The appointment should have been offered to Mr. Murgod within a reasonable time of availability of the vacancy and thereafter to the next candidate. The Central Government's approach in this case was wholly unjustified.”

2. The respondents in their brief objection to the grant of interim relief have stated that the matter of the appointment referred to by the applicant is still under consideration and there is no refusal/rejection of the same by the respondents.

3. Clearly, the applicant has not been able to show any rejection of his claim for appointment to the post of Gramin Dak Sewak, Branch Post Office Rawta, Delhi for which he had been put in the select panel. Hence, at this stage, there is no ground for interim relief which is hereby rejected.

4. List the OA on 04.04.2018.

(Nita Chowdhury)
Member (A)

(Raj Vir Sharma)
Member (J)

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