

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00006/2017

DATED THIS THE 03RD DAY OF FEBRUARY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Sri Nakkundi Govind,
S/o Maruti,
Aged 42 years,
Ex GDS BPM,
Sunthan B.O.,
Gulbarga Postal Division,
Residing at H.No. MIG-27,
Kotnoor Housing Board Colony,
Old Jewargi Road,
Gulbarga- 585 102.

...Applicant.

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by Director
General of Post,
Dak Bhavan,
New Delhi – 110 001.

2. Postmaster General,
N.K. Region,
Dharwad – 580 001.

3. Senior Superintendent of Post Offices,
Gulbarga Postal Division,
Gulbarga – 585 101.

4. Inspector of Posts,
Gulbarga Postal Sub Division-II,
Gulbarga – 585 101

...Respondents.

(By Shri K. Gajendra Vasu, Senior Panel Counsel)

ORDER (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter is in a very short compass. Apparently, when a regular incumbent for a post was under a cloud of disciplinary enquiry, the department resorted to general selection, but in the notification, probably not understanding the object of post based roster and vacancy based roster, notified it as vacancy for SC candidate. The applicant was appointed. But in the meanwhile, the disciplinary proceedings of the regular incumbent concluded. He came back to the post. Now the applicant claims that the regular incumbent must be sent out to a post for general candidate and that the applicant being an SC candidate and notification was for an SC candidate, that selection must be allowed to continue.

2. Needless to say that this a very wrong perception on the part of the applicant. The applicant had not done or obtained a vested right because of the wrong notification issued by the respondents. The regular incumbent, on his matter being settled, is entitled to come back to the particular station and not to other station. If the applicant was selected by a wrong notification, the burden to be borne by the applicant and nobody else.

3. OA lacks merit. Dismissed. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA.No.06/2017

Annexure-A1: Copy of Notification issued by Senior Superintendent of Post Offices, Gulbarga Division vide Memo No.B2/GDS/BPM/Appt/Sunthan/Dlgs dated 7.12.2012.

Annexure-A2: Copy of the Memo No.B2/Apt/Sunthan BO/Dlg/12 dated 22.1.2013 issued by Senior Superintendent of Post Offices, Gulbarga Division, Gulbarga.

Annexure-A3: Copy of Medical Certificate dated 30.1.2013.

Annexure-A4: Copy of Senior Superintendent of Post Offices, Gulbarga Division Memo No.B2/BPM/Appt/Sunthan BO/Dlgs dated 26.2.2013.

Annexure-A5: Copy of duty assumed certificate dated 15.03.2013

Annexure-A6: Copy of Senior Superintendent of Post Offices, Gulbarga Division letter No.B2/VFN/Caste/Sunthan BO/Dlgs dated 25.3.2013.

Annexure-A7: Copy of relinquished charge Memo dated 25.03.2015.

Annexure-A8: Copy of representation dated 09.04.2015.

Annexure-A9: Copy of DG Post Instruction regarding reservation vide letter No.DG P & T 43-246/77 Pen dated 8.3.78.

Annexure-A10: Copy of applicant's dated 12.01.2016 addressed to the Chief Postmaster General, Bangalore.

Annexure-A11: Copy of Rule 8 of GDS (Conduct and Engagements 2011).

Annexure referred to by the respondents in the Reply Statement

Annexure-R1: Copy of declaration of the applicant.

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