

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/01163/2016

Chandigarh, this the 11th day of May, 2018

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Rishi Raj, son of Sh. Mam Raj, resident of village Phulwari, Teh.
& Distt. Palwal.

....APPLICANT

(Argued by: Shri Yash Paul Khullar, Advocate)

VERSUS

1. Union of India through Secretary, Ministry of Information and Broadcasting, Department of Posts, New Delhi.
2. Chief Post Master, Haryana Circle, Ambala Cantt. Ambala, District Ambala-133001.
3. Director, Postal Services, Gurgaon, District Gurgaon-122016.
4. Shyambir son of Teki, resident of village Alawalpur, Teh. & Distt. Palwal.

....RESPONDENTS

(By Advocate: Shri Ram Lal Gupta)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

By means of present Original Application (O.A.), the applicant has challenged appointment of private respondent no. 4 to the post of Gramin Dak Sevak Branch Post Master (GDSBPM), village Phulwari, Tehsil & District Palwal, Haryana.

2. We have heard the learned counsel for the respective parties.

3. A conjunctive perusal of pleadings makes it clear that before filing the present O.A., the applicant has also filed a Civil Suit RBT No. 211 of 2013 before Civil Judge (Junior Division) Palwal, for permanent injunction and mandatory injunction for filling up the post of GDSBPM Palwal, which was dismissed on 16.2.2016 (Annexure A-5). Subsequently, when respondents offered appointment to respondent no. 4 being more meritorious person than the applicant, the applicant is before this Tribunal challenging the appointment of respondent no. 4 on various grounds to which the respondents have filed written statement.

4. Learned counsel appearing on behalf of applicant vehemently argued that the impugned order of appointment of respondent no. 4 is totally illegal, arbitrary and against rule formulation as he cannot be offered appointment being non-resident of that village and thus the applicant has prior right to be appointed as GDSBPM Palwal.

5. On the other hand, the learned counsel appearing on behalf of respondents vehemently opposed the prayer of the learned counsel for the applicant and submitted that in terms of Rule 3-A of Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011 this is not a pre-condition that resident of that village has to be appointed on the post of GDSBPM. If a non-resident is offered appointed, then within one month he has to

shift in that village. Therefore, he submitted that plea raised by the learned counsel for applicant for quashing the impugned order of respondent no. 4 is against the rule formation. Thus it is prayed that the O.A. be dismissed being devoid of merit.

6. Having completed all the codal formalities, having heard the learned counsel for the parties, having gone through the record and legal provision with their available assistance, we are of the view that the applicant has no case, thus petition deserves to be dismissed.

7. Rule 3-A of Department of Posts GDS (Conduct and Engagement) Rules, 2011 deals with terms and conditions of engagement. Rule 3-A (viii) reads as under:-

3-A Terms and conditions of Engagement

“viii) Residence in post village/delivery jurisdiction of the Post Office within one month after selection but before engagement shall be mandatory for a Sevak.”

Perusal of above extracted, rule does not suggest that only resident of particular village, where post has been notified, is to be considered for appointment. Rule otherwise mandates that if an outsider is offered appointment, then he has to shift his residence in the village within one month after selection, but before engagement. There is no whisper in the O.A. or argued at the time of arguments that respondent no 4 is not residing in the village. Even on merit, the applicant has no case because respondent no. 4 secured higher marks than the applicant as reflected in their written statement particularly in para 5 of the preliminary submission that the respondent no. 4 has secured

73.4% marks than the applicant 49.33% on the basis of comparative marks they have offered appointment to respondent no. 4. Accordingly the O.A. is dismissed being devoid of merits. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 11.05.2018

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