

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 07.05.2018

ORIGINAL APPLICATION NO. 060/00046/2017

Chandigarh, this the 9th day of May, 2018

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

...

Ms. Rinku Rani aged 22 years, daughter of Sh. Mahavir Singh, resident of VPO Juglan (model town Hisar) (Group-D).

....APPLICANT

(Argued by: Shri Kuldeep Khandelwal, Advocate)

VERSUS

1. Union of India through its Secretary, Ministry of Communication & Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Haryana Circle, Ambala
3. Superintendent of Post Offices, Hisar Division, Hisar.

....RESPONDENTS

(By Advocate: Shri Ram Lal Gupta)

ORDER

UDAY KUMAR VARMA, MEMBER (A)

Applicant, Ms. Rinku Rani daughter of Sh. Mahavir Singh has filed the instant Original Application (O.A.), seeking direction to be given to the respondents to give appointment letter to her on the post of Gramin Dak Sewak Branch Post Master (GDS BPM) in village Sultanpur, Tehsil Hansi, District Hisar from due date alongwith all consequential benefits. She further seeks a direction to respondent no. 1 & 2 to take appropriate action against the

official, who raised illegal demands of extraneous consideration from her.

2. The brief facts, which are relevant for deciding the controversy involved in the instant O.A. are that the respondent no. 3 issued an advertisement dated 11.03.2016 (Annexure A-1), for filling up of post of GDS BPM in village Sultanpur, Tehsil Hansi, District Hisar. The applicant applied for the same alongwith requisite certificates. The scrutiny committee selected the applicant as qualified and suitable candidate for the said post vide letter dated 25.5.2016 (Annexure A-2). The applicant appeared before respondent no. 3 alongwith required certificates for verification on 21.7.2016. The respondent no. 3 issued another letter to the applicant requiring her to be present before the office for medical formalities alongwith age proof vide letter dated 21.7.2016 (Annexure A-3). The applicant appeared before the official and submitted her age proof and medical form to the respondent no. 3. Applicant is aggrieved that after completion of all the formalities, she was not issued appointment letter, therefore, she approached the respondent no. 3 and made complaint in that regard. Respondent no. 3 issued letter on 25.11.2016 (Annexure A-6), whereby it was intimated that the selection process for the recruitment of GDS BPM Sultanpur has been ordered to be withheld and which was eventually cancelled. Hence the instant O.A. with a prayer indicated above.

3. Respondents have filed written statement and stated therein that the applicant was neither issued appointment letter nor the

amount of security i.e. compulsory condition for appointment as per notification (Annexure A-1) was got credited nor any prescribed training was imparted to the applicant. It is stated that the appointing authority had tempered the record of recruitment, hence the whole recruitment process is vitiated, therefore the recruitment was cancelled, as such the claim of applicant is inadmissible.

4. We have heard the learned counsel for the respective parties, and peruse the pleadings available on record with their valuable assistance.

5. The principal argument placed before us by the applicant is that he, in good faith, participated in the process of selection and was declared successful and even though ultimately letter of appointment was not issued to him, the very fact that he was selected through a defined process, gives him a right to be appointed to the said post. He further contends that the complaint, which was the basis for conducting the inquiry into process of selection, did not involve the post for which he had applied namely GDS BPM in village Sultanpur and therefore, it was unfair on the part of respondents to annul the process of selection for several posts including that of Sultanpur.

6. We do not find much force in the arguments advanced by the applicant. First of all, it is not necessary that if a complaint is made of such nature, the inquiry be restricted to the specific incidence to which the complaint relates. If in the judgment of authorities, there

is a suspicion that the process of selection has been compromised, they are fully within their rights to cancel the whole process of selection. Therefore, the argument of the applicant that the respondents could not have canceled the selection for Sultanpur village, cannot be accepted.

7. As regards the right, that the applicant claims, he has acquired because he has succeeded in the selection process, our view is that the same is not legally tenable. The selection process does not confer any right to the applicant in every circumstance. First of all in our view, in this case no explicit right is created. The question is whether any implied rights are created at all? If the process of selection is cancelled, but some other candidate is given appointment, such a situation, does create a situation of implied rights having occurred to the applicant. Or if contrary to selection, a person who has been placed with lesser marks has been given appointment, that also does culminate in a situation of the successful candidate having acquired clear right. We could enumerate some more situations where such a right could be deemed to have been created in such cases. However, here none of such situations obtain. Here, it is a clear and unambiguous case of selection process having become vitiated because of a malpractice, resulting in the whole process of selection being annulled. It is not the case of the applicant that somebody else has been given appointment on the post for which the applicant was also an

aspirant. Therefore, in our view, no right explicit or implied is created in favour of the applicant.

8. Given the above discussion, we are of the clear opinion that the applicant cannot claim that he be appointed on the post of GDS BPM, village Sultanpur. His arguments are devoid of force and his case is bereft of merit. Accordingly, the O.A. deserves to be dismissed and is accordingly dismissed. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 09.05.2018

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