



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/684/2017

Date of order : 15.5.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative member

ATANU BISWAS

Unemployed,
S/o Jaydeb Biswas,
R/o Dhajujote,
Rangapani, Darjeeling,
West Bengal,
Pin - 734434.

...APPLICANTS

VERSUS

1. Union of India, through
The Secretary,
Ministry of Telecommunication,
Dept. of Post,
Dak Bhawan,
New Delhi - 1.
2. The Chief Postmaster General,
West Bengal Circle,
Yogayog Bhawan,
C.R.Avenue,
Kolkata - 700012.
3. The Superintendent of Post Offices,
RMS 'SG' Division,
Dept. of Posts,
Siliguri - 734001.
4. The Head Record Officer,
RMS 'SG' Division,
Dept. of Posts,
Siliguri - 734001.

RESPONDENTS.

For the applicants: Mr.J.R.Das, counsel

For the respondents: Mr.K.Prasad, counsel

O R D E R (ORAL)

A.K.Patnaik, Judicial Member

Heard Mr.J.R.Das, Id. Counsel appearing for the applicant and
Mr.K.Prasad, Id. Counsel appearing for the departmental respondents.

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2. This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) To pass an order directing upon the respondents to issue an appointment order as per bio-data verification on the basis of verification of all certificates on 4.7.2016 and 22.7.2016 in favour of the most eligible candidate in terms of notification dated 31.3.2016;
- b) To pass an appropriate order directing upon the respondents to produce the report of the bio-data verification of the candidate who are supplied in terms of the notification dated 31.3.2016 and if it is found that the applicant fulfil all eligible criterion and secure the highest marks in that event a necessary direction be issued upon the respondents to issue appointment order in favour of the candidate.
- c) To pass an order/direction upon the respondents to consider the representation dated 22.4.2017;
- d) And to pass such further other order or orders as Your Lordships may seem fit and proper;
- e) Costs.

3. As per the Id. Counsel for the applicant the sum and substance of the OA is that on 31.3.2016 Dept. of Posts, RMS 'SG' Division, Siliguri issued an advertisement inviting applications for filling up vacancies of Gramin Dak Sevak Mail Man (GDSMM) under HRO RMS 'SG' Division, Siliguri. The applicant applied for that post and on 22.7.2016 SDO, Siliguri verified all certificates of the applicant and sent report to the HRO RMS 'SG' Division, Siliguri. The panel prepared thereafter showed that the applicant was selected but no appointment letter was given to him. Without cancelling the selection list, the department has issued a fresh notification dated 19.4.2017. Being aggrieved by such inaction of the respondents, the applicant made representation dated 22.4.2017 addressed to respondent No.4, claiming appointment to the post of GDSMM at RMS 'SG' Division, Siliguri as per notification dated 31.3.2016, but till date the respondent authorities have not considered his prayer. Hence the applicant has approached this Tribunal in the instant OA.

5. Mr.Das, Id. Counsel for the applicant submitted that the grievance of the applicant will be more or less redressed if the Railway respondents are directed to consider and disposed of the representation dated 22.4.2017 stated to have been preferred by the applicant addressed to respondent No.4 within a specific time frame.

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6. We do not think it will be prejudicial to either sides if this OA is disposed of at the admission stage itself by directing the respondent No.4 to consider the representation dated 22.4.2017 stated to have been preferred by the applicant as per rules and regulations in force and communicate the result thereof to the applicants by way of a well reasoned order, within one month from the date of such consideration.

7. Therefore without entering into the merit of the case we dispose of the instant OA at the admission stage itself with a direction to the respondent No.4 to consider the representation dated 22.4.2017 stated to have been preferred by the applicant as per rules and regulations and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within one month from the date of receipt of this order.

8. Though we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation stated to have been preferred by the applicant, are kept open for the said respondent No.4 to consider the same as per the rules and regulations in force; still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of three months from the date of such consideration to redress his grievance.

9. With the above observation and direction the OA is disposed of. No costs.

10. As prayed for by Mr.Das, a copy of this order along with the paper book of this OA be transmitted to respondent No.4 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

(JAYA DAS GUPTA)
ADMINISTRATIVE MEMBER

(A.K.PATNAIK)
JUDICIAL MEMBER

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