



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

Original Application No. 588 of 2017

1. Smt. Chhanda Mondal,

Daughter of Late Mahadeb Mondal.

2. Smt. Nandita Mondal

Wife of Late Mahadeb Mondal

Ex-Postal Assistant, Nalhati TS, Nalhati
under Birbhum Division,

Both residing at Village: Daspara, Post
Office: Nalhati Township, Police Station:
Nalhati, District: Birbhum, PIN Code-
731243.

... Applicants

-Versus-

1. Union of India

Service through the Secretary, Department
Of Post under Ministry of Communication
and Information Technology, New Delhi-
110001

A handwritten signature in black ink, appearing to read "VAC".

2. The Superintendent of Post.

Birbhum Division, Post Office and Police
Station- Suri, PIN Code-731101

3. The Chief Post Master General, West

Bengal Circle, Yogayog Bhawan, Kolkata-
700 012

4. The Circle Relaxation Committee

Service through the Chief Post Master
General, as Chairman, West Bengal Circle,
Yogayog Bhawan, Kolkata-700 012

5. The Sub-Divisional Inspector of Post
Offices, Birbhum Sub- Division, Post
Office- Nalhati TS, District- Birbhum, PIN
Code-731235.

6. The Assistant Director of Postal
Services (Recrt)

Having its office at the office of the Chief
Postmaster General, West Bengal Circle
Kolkata-700 012

..... Respondents

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No. O.A. 350/00688/2017
M.A. 350/00402/2017

Date of order: 23.7.2018

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. S.S. Ray, Counsel

For the Respondents : Ms. D. Nag, Counsel

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. S.S. Ray, Ld. Counsel for the applicant and Ms. D. Nag, Ld. Counsel for the official respondents.

2. At the outset, Ms. D. Nag, Ld. Counsel submits that she has not received copy of the Miscellaneous Application No. 402 of 2017.

3. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:

"(a) Directing the Circle Relaxation Committee to enlist your applicant's name in the selection list of the GDS candidates and approve the same for appointment under died-in-harness category to the GDS post and further direct to issue appointment letter to your applicant within a reasonable time.
(b) Directing the respondent authorities, particularly the respondent No. 4, the Circle Relaxation Committee herein to produce or cause to be produce the Original record before this Tribunal.
(c) Costs,
(d) Any other or further order or orders to which the applicant may be found entitled by this Learned Tribunal.
The grounds for such reliefs have already been described in detail in paragraph 4 & 5 hereinabove and as such the same are not repeated hereunder for the sake of brevity.
(e) Leave may granted to filed this Original Application under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987."

4. Ld. Counsel, Mr. Ray, submitted that the applicant is aggrieved at non-consideration of his case for giving appointment under died-in-harness category by the Circle Relaxation Committee although the applicant had given up her claim for the post of Postal Assistant and has opted for the post of GDS since her family is suffering from starvation. Moreover, she has earned 52 merit points and the respondent authorities have given appointment to 154 candidates and those candidates, who have earned 26 points as per the list of selected candidates

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published by the respondents, have been granted appointment whereas her candidature has been rejected despite earning more point than those candidates.

5. By specifically drawing my attention to the marks that the applicant has obtained i.e. 52 from 47, Mr. Roy submitted that when under the RTI, the applicant was informed that some wards of deceased Government employees having secured 26 points have been accommodated in GDS post and after giving an undertaking and expressing willingness to join in GDS post as per Annexure 'A-7' to the O.A., the respondents have not considered the case of the applicant whose merit points is much higher than the candidates who have been appointed in different GDS posts.

6. On being questioned as to whether the applicant has brought this fact to the notice of the respondent authorities, Mr. Roy, prayed liberty of this Tribunal to make a comprehensive representation addressed to Chief Post Master General, West Bengal Circle, Yogayog Bhawan i.e. respondent No. 3 with a copy to respondent No. 2 i.e. The Superintendent of Post, Birbhum Division, within a period of 2 weeks from the date of receipt of this order and prayed that a specific time may be granted to the said respondents to consider the case of the applicant afresh.

7. I do not think it would be prejudicial to either of the sides if the O.A. is disposed of by directing the applicant to make a comprehensive representation annexing all the required documents within a period of 2 weeks from the date of receipt of this order, then the respondent No. 2 and 3 will consider the same within a period of 6 weeks from the date of receipt of the representation specifically keeping in mind the marks awarded to the applicant vis-à-vis the marks being scored by the different persons who have been adjusted against different GDS posts and pass a reasoned and speaking order within a period of six weeks from the date of receipt of the representation.

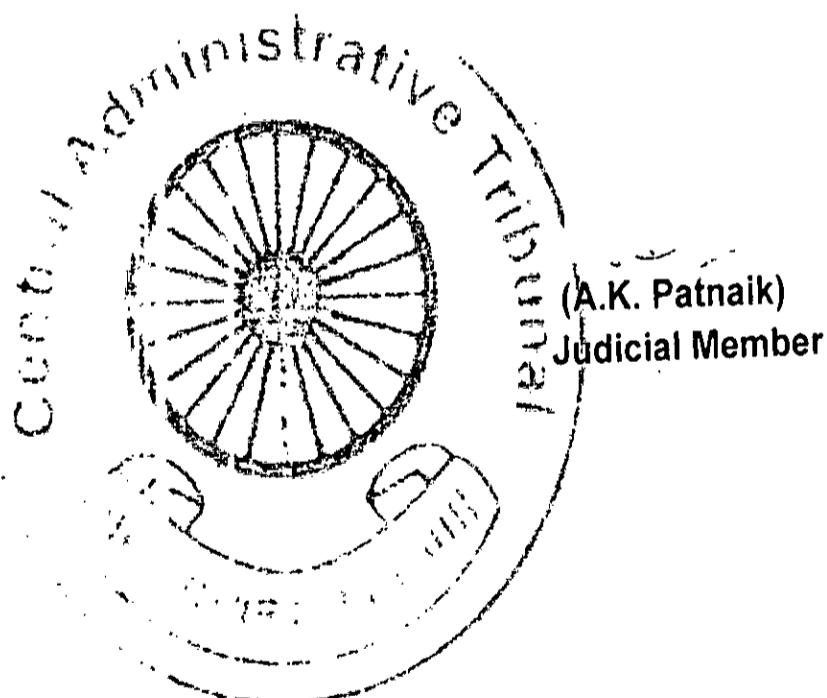
8. Although I have not expressed any opinion on the merits of the matter still then I hope and trust that after such consideration if the respondents are satisfied

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that the applicant has a legitimate claim for appointment in a GDS post then expeditious steps may be taken by the authorities preferably within a further period of three months from the date of such consideration to accommodate him in a GDS post as per the availability.

9. With the aforesaid observation, the O.A. stands disposed of. No order as to costs.

10. As prayed for by Mr. Roy, Ld. Counsel a copy of this order be handed over to Ld. Counsel for the applicant and the applicant is granted liberty to annex copy of this order along with his representation preferably within a period of 2 weeks from the date of receipt of this order and a free copy of this order be handed over to Ms. D. Nag, Ld. Counsel, who is present and heard in Court today.



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