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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

LIBRARY

No. O.A. 350/01426/2014

**Present: Hon'ble Mr. Justice Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member**

**Sri Bishupada Sarkar,
Son of Bhabendra Nath Sarkar,
By faith Hindu,
By Occupation Unemployed,
Aged about 30 years,
Residing at VIII. & P.O. Fatehpur,
P.S. Kallagunj, Uttar Dinajpur,
Pin - 733 129.**

.. Applicant

- V E R S U S -

- 1. Union of India service through
The Secretary,
Ministry of Communication,
Department of Posts, Dak Bhawan,
Sanshad Marg,
New Delhi - 110 001.**
 - 2. The Director (Nodal Officer) the
Department of Post & Telegraph,
Office at Dak Bhawan,
Sanshad Marg,
New Delhi - 110 001.**
 - 3. The Superintendent of Post Office,
Dinajpur Division,
Balurghat, P.O. & P.S. - Balurghat,
District Dakshin Dinajpur,
Pin - 733 101.**
 - 4. The Assistant Director Postal Service (Rectt),
Office of Chief Post Master General,
West Bengal Circle,
Kolkata - 700 012.**
 - 5. Sri Nandi Baishya,
Son of Late Lakshan Baishya of
Village & P.O. - Fatepurhat,
District Dakshin Dinajpur,
Pin - 733 129.**
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.. Respondents

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. L.K. Chatterjee, Counsel
Mr. U.P. Bandyopadhyay, Counsel

Heard on : 26.8.2016 Order dated: 2.9.2016

ORDERPer Ms. Jaya Das Gupta, Administrative Member:

The applicant, Shri Bishnupada Sarkar has approached this Central Administrative Tribunal under Section 19 of the AT Act, 1985 seeking the following reliefs:-

"a) By setting aside the reasoned decision of the respondent superintendent dated 2.9.2014 being Annexure "A-5" of this application.

b) By directing the respondent authorities to initiate a fresh selection process for the post in question at the earliest and allow participation of all the candidates who participated in the last selection process of Gramin Dak Sevak/Branch Post Master at Fatepurhat Branch Office and select the best possible candidate amongst those applicants by following the Govt. guideline for such recruitment.

c) Any other and/or further order or orders and/or reliefs as to this Hon'ble Court may find fit and proper to be awarded.

d) Costs of the litigation;"

2. It is the case of the applicant that he was providing voluntary service to the Postmaster of Fatepurhat Post Office since January 2008 as GDS. On 25.7.2008 a notification was issued declaring a vacancy for the post of GDSBPM in Fatehpurhut Post Office. The applicant had duly applied for the said selection process. However, he ultimately found that he was not selected and that the private respondent, Sri Nandi Baishya was selected and working as Branch Postmaster. The applicant alleged malpractice on the part of the respondents and had approached this Central Administrative Tribunal so that the respondent authorities offer him the said post of



GDSBPM.

3. Per contra, the respondent authorities have submitted that the selection has been done as per rules and the private respondent was found fit in all respects and hence he was accommodated.

4. Heard both.

5. It is found that the applicant had earlier approached this Central Administrative Tribunal by filing O.A. No. 339 of 2013 and an order dated 17.7.2013 was passed. The operative portion of the said order reads as under:-

"3. In such view of the matter, we direct the respondent No. 2 to consider the prayer and dispose of the representation dated 1.2.2010 which is still pending with the said authority and to pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order in case and only if no one is selected against the said post in question till date.

4. The O.A. is accordingly disposed of. No costs."

6. Accordingly the authorities have passed an order dated 28.8.2014 which is extracted as such:-

"To
Sri Bishnupada Sarkar,
S.O. - Bhabendra Nath Sarkar,
Vill. - P.O. - Fatepurhat,
Via. - Kushmandi,
Dt.-D/Dinajpur-733132

No. EST-II/CAT Case/Fatepurhat Dated at Balurghat, the 28.8.14

Subject: Prayer of enquiry in respect of the appointment for the post of the Gramin Dak Sevak Branch Postmaster at Fatepurhat B.O. in a/c with Kushmandi S.O. in the District Dakshin Dinajpur and also giving opportunity to sit for the examination/interview.

Ref.: Your representation dated 1.2.2010.

Sir,

In response to your letter under reference this is to intimate that Advertisement/Notification for selection to the post of GDSBPM, Fatepurhat B.O. in account with Kushmandi S.O. was issued on 25/30.7.2008. IN response to the above said notification 53 applications were received. After scrutiny the applications, Bio-data of the candidates were prepared. Amongst the 53 candidates only 6 (six)

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candidates fulfilled all requisite qualifications for the post of GDSBPM, Fatepurhat B.O. and accordingly all the 6 (six) eligible candidates were called for Bio-data/testimonial verification on 16.11.2009. The question of written test or interview for selection to the post of Gramin Dak Sevak does not arise at all as there is no such provision. Your candidature for the post of GDSBPM, Fatepurhat B.O. was not considered as you have obtained 42.75% marks in M.P. Examination and failed to furnish or submit any documents or certificates/papers in respect of your independent source of income which is one of the vital criteria for selection of GDSBPM. Amongst the 6 (Six) eligible candidates 3 (three) eligible candidates remained absent on the day of Bio-data/Testimonial verification (i.e. on 16.11.2009). Among the other 3 (three) eligible candidates, Sri Nandi Baishya, S/O late Lakshan Baishya of Vill.+ P.O. - Fatepurhat, Dt.-Dakshin Dinajpur who possessed highest marks amongst all the three eligible candidates (i.e. 58.12% marks in Madhyamik Examination excluding the marks of additional paper) and fulfills all other conditions for selection of GDSBPM was selected and engaged in the post of GDSBPM, Fatepurhat B.O. in account with Kushmandi S.O. on 19.11.2009.

This reasoned and speaking order is passed in compliance to Hon'ble CAT's order no. O.A. 339 of 2013 dated 17.7.2013. Thus the representation dated 1.2.2010 is disposed of.

Supdt. Of Posts
Dinajpur Division
Balurghat-733101"

7. We find that the speaking order is elaborate explaining why the private respondent has been selected and the reasons for non-selection of the applicant. The applicant had also alleged malpractice on the part of the authorities but has not produced a single iota of evidence justifying such allegation. Therefore, we find that there is no merit in the prayer made by the applicant which deserves to be dismissed.

8. The O.A. is accordingly dismissed. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP