

LIBRARY

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 268 of 2012

Date of Order: 26.8.2016

Present :

Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Susanta Lohar, son of Banshi Lohar, aged about
22 years, residing at Vill. Kuldiha Bathan Danga,
Kuldiha, Ausgram, Burdwan, Pin- 713153.

.....Applicant.

-versus-

1. Union of India through the Secretary, Ministry
Of Communication, Department of Post, Dak
Bhawan, New Delhi- 1.
2. The Chief Post Master General, Yogayog Bhawan,
C.R. Avenue, Kolkata-12.
3. The Post Master General South Bengal Region,
Yogayog Bhawan, C.R. Avenue, Kolkata - 12.
4. The Sr. Superintendent of Post Offices, Burdwan
Division, Burdwan.
5. The Sub Divisional Inspector (Postal), Gushkara Sub
Division, Burdwan, Pin- 713128.
6. Tarun Das, C/o. Kuldiha Post Office, Vill+P.O.
Kuldiha, P.S. Aushgram, Dist- Burdwan, Pin-
713153.

.....Respondents.

For the Applicant : Ms. P. Mondal, Counsel

For the Respondents : Mr. MK Ghara, Counsel

ORDERPer Ms. Jaya Das Gupta, AM:-

The applicant Shri Susanta Lohar had approached this Tribunal under Section 19
of A.T. Act, 1985 seeking the following reliefs:

"8(a) Appointment of private respondent in the post of GDSMC, Kuldiha
is not as per Rule and therefore the same may be quashed.

(b) An order do issue directing the respondents to consider the case of
the applicant for appointment to the post of GDSMC, Kuldiha."

(extracted as such)

2. It is the case of the applicant that a notification was issued on 10.05.2011 from the Office of Sub Divisional Inspector inviting application for engagement to the post of GDSMC, Kuldiha, Gramin Dak Sevak BO in account with Bhatkunda S.O. An interview of the applicant was taken on 04.08.2011 at Guskara Sub-Division. Thereafter, as no result of such interview was intimated to the applicant. ^{he JW} He made a representation on 15.10.2011 to the concerned authorities stating that though he had applied for that post and also appeared for the interview, even in the month of October, he was not apprised of the result regarding the engagement to the said post of GDSMC, Kuldiha.

3. The applicant further alleges that though in the notification one of the condition of engagement was that the selected person should reside at Bhatkunda or Kuldiha being the mail originating/terminating point, but the private respondent i.e. Shri Tarun Das who was ultimately engaged to the said post was not at all a resident of Bhatkunda or Kuldiha. He had accordingly submitted a letter from one, Shri Chittaranjan Mishra, Member of the Gram Panchayat, Valki Gram dated 24.08.2011, to prove his point, which is set out below:

"Sir,

I respectfully submit that I Sri Chittaranjan Mishra, resident of your area Kuldiha, that mistakenly I have submitted that the person applied for Ranner Post was reside in my house as a tenant. This is not true he never reside in my house. Now I want to withdraw my word. Kindly help me in this regard.

Thanking you..."

4. Per contra, from the reply of the respondent authorities, it is evident that the private respondent Shri Tarun Das who was selected has secured the highest marks (58.125%) amongst all candidates. He had submitted all the relevant records regarding educational qualification and also the certificate produced from one, Shri Gurupada Konar, Vill & P.O. Bhatkunda dated 12.01.2012 stating that Shri Tarun Das resides at his house on rent. The certificate was witnessed by Rawsan Alamgir, Member of Local Panchayat. The respondents further added that actually no interview was held for the selection procedure; only testimonials were verified. Hence there was no necessity of

JW

publication of any result in case of GDSMC. The respondent authorities submitted that the appointment of Shri Tarun Das has been made strictly following the rules for such appointment to the post of GDSMC.

5. From the letter from Sri Chittaranjan Mishra, produced by the applicant we note that no name of the alleged occupant on rent has been mentioned by the alleged landlord.

6. Going by the facts of the case we find there is adequate justification of the respondents offering the job of GDSMS to the private respondent. There is no merit in the case of the applicant and the OA deserves to be dismissed.

7. OA is accordingly dismissed. No costs.

(Bidisha Banerjee)
Member (J)

(Jaya Das Gupta)
Member (A)

pd