

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 350/369/2011

Date of order : 18.4.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

**MAHFUJUR RAHAMAN**

S/o Mongaljan Molla  
Vill – Teghoria, PO – Kashinathpur,  
PS – Rajarhat, Dist. 24 Pgs (North)  
Presently residing at  
C/o Jalil Molla  
Vill – Baligari, PO – Chakpachuria,  
Dist. – North 24 Parganas.

...APPLICANT

VERSUS

1. Union of India, through  
The Secretary,  
Ministry of Communication,  
Dak Bhawan,  
New Delhi.
2. The Chief General Post Master,  
Yogayog Bhawan  
Kolkata – 700012.
3. Senior Superintendent of Post Offices,  
East Kolkata Division,  
11/1 Dr. Suresh Sarkar Road,  
Kolkata – 700014.
4. Asst. Superintendent of Post Offices,  
East Kolkata Second Sub Division,  
Kankurgachi,  
Kolkata – 700054.
5. Head Post Master,  
Belegkata Post Office,  
Kolkata – 700010.
6. Post Master,  
Deshbandhu Nagar Post Office,  
Baguihati,  
Kolkata – 700059.
7. Branch Post Master,  
Hatgacha via Deshbandhu Nagar,  
Kolkata – 700059.

...RESPONDENTS.

With the leave of the Hon'ble Tribunal  
Order dated 15.5.2013 the Private  
Respondents are impleaded -

8. Sandip Paul,  
S/o Bidyut Kr. Paul,  
R/o 68/3 Asoke Nagar,  
Dist. – 24 Pgs (N),  
Pin – 743222.
9. Imran Laskar,  
S/o Majed Ali Laskar,  
Vill – Chakpanchuria,  
PS – Rajarhat,  
Dist. – 24 Pgs (),  
Pin – 700135.
10. Kazi Mehboob  
S/o Lt. Md. Abdul Malaque,  
Vill – Nangla, PO – Stabaiya,  
PS – Kashipur via Rajarhat,  
Dist – 24 Pgs (N),  
Pin – 700135.
11. Sayantan Sanyal,  
S/o N.N. Sanyal,  
3B (3<sup>rd</sup> floor),  
Victoria Apartment,  
Daspara, Kaikhali,  
PO & PS – Airport,  
Kolkata – 700052.
12. Sadhana Majumder,  
D/o Lt. Sudhanya Majumder,  
Vill & PO – Patharghata,  
PS – Rajarhat,  
Dist. – 24 Pgs (N)  
Pin – 700135.

PRIVATE RESPONDENTS.

For the applicant : Mr.C.S.Bag, counsel

For the respondents: Ms. R.Basu, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.C.S.Bag, ld. Counsel appeared for the applicant and Ms.R.Basu, ld. Counsel appeared for the respondents.

2. The applicant being aggrieved by not getting the offer of appointment approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) Declaration that the impugned order dated 2.2.2011 issued by the Sr. Superintendent of Post Offices, East Kolkata Division be cancelled, rescind, quashed and set aside by the Hon'ble Tribunal (Annexure A/12).

- b) Declaration that the applicant be allowed to join in the post of Gramin Dak Sevak Branch Post Master at Chakpachuria as per the selection process made by the respondent authority dated 26.2.2007 (Annexure A/5)
- c) An order directing the respondent authority to produce entire records of the case and the vigilance file before the Hon'ble Tribunal and quash the same so that conscionable justice may be administered.
- d) An order to pass such other or further order or orders as deem fit and proper.

3. Heard both the ld. Counsels and perused the relevant records produced by the ld. Counsel for the respondents in pursuance of the order of this Tribunal dated 8.2.2018, as well as the pleadings made in the Original Application and the reply filed by the respondent authorities.,

4. The grievance of the applicant is that despite being selected, the respondent authorities did not allow him to join or have offered him any order for appointment in the post of GDSBPM, Chakpanchuria. On the other hand ld. Counsel for the respondents submitted by filing reply statement that no such offer of appointment was made. More so due to complain lodged by some candidates, who scored higher marks, the respondent authority decided to cancel the recruitment process and vide impugned order dated 2.2.2011 the process of recruitment has been cancelled.

5. We have noted that Sandip Pal who scored 76.50% marks, Kazi Mehboob scored 75%, Sayantan Sanyal scored 71.62% marks and Sadhana Majumdar scored 65.37% - were also participants in the process of recruitment for the post of GDSBPM, Chakpanchuria and scored more marks than the instant applicant. However, there exists some deficiencies towards fulfillment of criteria. The present case is a long pending matter relating to the recruitment process of 2006. Even none was offered for appointment due to the applicant. We have further noted that the applicant failed to substantiate his case so far as the offering of appointment order is concerned. Further there is no stay when the matter was moved before this Tribunal

6. In view of the above circumstances we deem fit and proper not to interfere with the fresh recruitment process of the respondent authorities,

when vide impugned order dated 2.2.2011 the department has assured the candidates who participated earlier as hereunder :

“Keeping in view of the above facts and reports as well as the outcome of the OA No. 244 of 2007, Mahafujur Rahaan –vs- UOI & Ors. which was announced on 11.11.2010, the whole recruitment process for the recruitment of GDSBPM at Chakpanchuria BO is hereby cancelled. Recruitment for the said post will be taken afresh, if the present recruitment rules for the said post permits. The candidates who had applied earlier will be given opportunity for participating in the newly recruitment process.”

The instant OA therefore deserves to be dismissed.

7. The OA is accordingly dismissed. No order as to costs.

(DR.NANDITA CHATTERJEE)  
ADMINISTRATIVE MEMBER

(MANJULA DAS)  
JUDICIAL MEMBER

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