

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00734/2017
With
MA/050/00246/2018

Date of Order: 31.05.2018

C O R A M
HON'BLE MRS BIDISHA BANERJEE, JUDICIAL MEMBER

Bibek Kumar, S/o Sri Uma Nath Pandey, Qr. No. – L/115A, Near Railway Sharan- Ashthali, Kathalwari, Railway Colony, P.O.- Lalbagh, District- Darbhanga. Applicant.

- By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi – 110001.
2. The Chief Postmaster General, Bihar Circle, Patna- 800001.
3. The Postmaster General, Northern Region, Muzaffarpur- 842002.
4. The Director of Postal Services, Northern Region, Muzaffarpur– 842002.
5. The Superintendent of Post Offices, Darbhanga Division, Darbhanga - 846005.

..... Respondents.

- By Advocate(s): - Mr. Kumar Sachin

O R D E R
[ORAL]

Bidisha Banerjee, J.M.:- The summation and summarization of the grievance of the applicant is that he had participated in selection for the post of GDSBPM, Antour Branch Post Office, against Employment Notice dated 11.02.2016. Though he topped the merit list of candidates yet he was made to languish, and without cancelling the said selection procedure the respondents have notified

the vacancy afresh vide Notification dated 18.09.2017. He is unable to appear against the fresh vacancy as he is Madhyama qualified and such Madhyama qualified are not allowed to submit online application. Therefore, he has prayed as under:-

“(A) Letter No. R&R/GDS/Online/Engagement/2017 Patna, dated: 18.09.2017, issued under the signature of Assistant Director (Recruitment), O/o Chief Post Master General, Bihar Circle, Patna, as contained in Annexure-A/1, so far the same relates to its S. No. 469, whereby the post of GDSBPM of Antour Branch Post Office in account with Benipur Sub Post Office under Darbhanga Postal Division, has been re-notified for appointment, may be quashed and set aside.

(B) The Appointing Authority, the Superintendent of Post Offices, Darbhanga Division, Darbhanga may be directed to finalise the appointment process against the post of GDSBPM of Antour Branch Post Office in account with Benipur Sub Post Office under Darbhanga Postal Division, at the earliest in pursuance to Employment Notice issued in the year 2016 (Annexure-A/2).

(C) Any other relief/reliefs as the applicant is entitled and Your Lordship may deem fit and proper in the ends of justice.”

2. Despite repeated opportunities no reply has been filed to contradict the statements made in the OA. However, it is evident from materials on record that on 01.08.2016 the following notification was issued:-

“Government of India
Ministry of Communication & IT
Department of Posts
(GDS Section)

Dak Bhawan, Sansad Marg
New Delhi- 110001.

Dated 1, Aug 2016

No. 17-23/2016-GDS

To,

All Head of Circles

Sub: Proposed on line selection of all categories of GDS-reg.

I am directed to request you to stop selection/engagement of all types of Gramin Dak Sevaks with immediate effect. It is further requested to stop all cases of engagement which are under process. Cases where selection has already been finalized and communicated to candidates only need not be withheld.

2. These orders are issued in view of proposal for on line selection of Gramin Dak Sevaks. Further orders in this regard my kindly be awaited.

3. This issues with the approval of competent authority.

(R L Patel)
Asstt. Director General(GDS)"

3. Citing the aforesaid, Ld. Counsel for the applicant would submit that in the instant case selection being completed, merit list announced, the selection could not be stopped. In support of he would cite several decisions of this Tribunal in OA 14/2015 and OA 457/2015.

4. The learned counsel would also cite a decision of Hon'ble High Court at Allahabad where Madhyama qualified have been allowed to participate in the new selection process, whereas Hon'ble High Court at Patna has not permitted them however with a rider.

5. Evidently, the selection procedure is not held up due to any fault of the applicant. It has been stalled because of introduction of Online system and the applicant is being seriously prejudiced as he cannot apply afresh against online system introduced in 2017.

6. It is further brought to my notice that several Madhyama qualified have been allowed to participate, subject to outcome.

7. Further, at the material time when notification dated 11.02.2016 was issued, applicant was evidently qualified to apply.

8. Even after the notification of 01.08.2016 mentioned supra, the Department of Posts, on 16.09.2015 issued the following notification as under :-

"Subject: Selection process for engagement to all approved categories of GDS posts - Review thereof

.....
.....

2. In view of the pronouncement of the Hon'ble Prime Minister in his address to the Nation delivered on 15th August 2015 to make selection to the junior level post was based on marks appearing in the marks sheet without an element of interview through transparent online process, the selection process introduced vide this Directorate's letter ibid has been reviewed by the authority competent to align the selection process/ criteria with the pronouncement made by the Hon'ble Prime Minister taking note of the fact that GDS posts are lower level civil posts outside the regular civil service not falling under Group A, B & C posts by replacing the process introduced vide this Directorate's letter No. 17-39/7/2012-GDS dated 14th Jan 2015, pending introduction of online process in due course, in the manner indicated below:-

(a) There will be no change in the eligibility criteria laid down in this Directorate's letter No. 17-39/6/2012-GDS dated 14.01.2015 & strict observance of the same will be ensured by all recruiting authorities concerned while issuing notification.

.....
....."

9. It is admitted at the bar that online procedure is still not finalized.

10. It is submitted by the applicant that rules of game, while the game is on, should not be changed to anyone's disadvantage. The vacancy that arose long before introduction of online system should be filled up on the basis of erstwhile recruitment procedure and the selection being over long before introduction of online system, ought to be allowed to be completed in terms of earlier procedure.

11. The learned counsels were heard and materials were perused.

12. The present OA is allowed in view of the order passed in OA 514 of 2015 and it is ordered that the recruitment of GDSBPN of Antour Branch initiated vide notification dated 11.02.2016 be finalized within three months. MA/050/00246/2018 stands disposed of accordingly.

**[Bidisha Banerjee]
Judicial Member**

Srk.