

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT AT PORT BLAIR)

No. O.A. 351/00016/2016

Date of order : 13.4.2016

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

R. NANDIKESHWARI

VS.

A & N Administration (Education)

For the Applicant : Mr. G.B. Kumar, Counsel

For the Respondents : Mr. S.K. Mandal, Counsel
Mr. S.C. Misra, Counsel

O R D E R (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the applicant and Ld. Counsel for the respondents and perused the records.

2. A very short question for consideration in this matter is whether appointment will be offered to the next person in the merit list if the person who finds place in the merit list of selected candidates fails to join?

3. It is not in dispute that a process of selection was initiated in accordance with the recruitment rules to fill up the two posts of general category of Post Graduate Teacher (Biology). In pursuance of that notice of recruitment, a select list was prepared on the basis of merit wherein one of the candidates selected for appointment was R. Rathika.

4. According to the applicant she did not join. It was contended that the applicant in the merit list is at Srl. No. 2 of the general category i.e



next to R. Rathika. Our attention has been drawn by filing certain papers by the applicant that the Department has given the last opportunity to join the post to Ms. R. Rathika by letter dated 30.10.2015. The letter is reproduced hereinbelow for ready reference:-

"To
 Smt. R. Ranthika
 Graduate Trained Teacher
 GSS Nimbutala
 (Through Dy. Education Officer, Rangat)

Dated 30th October 2015

Madam,

With reference to your letter No. Nil dated 20th August, 2015 it is to inform you that your request for change of posting on appointment to the post of PGT (Biology) vide Order No.3100 dated 13th August, 2015 from GSSS Lapathy to GSSS Swadesh Nagar/GSSS Sabari could not be accepted.

You are further directed to initiate necessary action within ten days of receipt of this letter to report for duty at GSSS Lapathy. Otherwise, it will be presumed that you have foregone to the appointment to the post of PGT (Biology) and appointment will be offered to the next merit holder.

Deputy Director Education (Perl)

Copy to:

1. The deputy Education Officer, Rangat with the request to inform this directorate whether Smti. R. Rathika accepts the post of PGT Biology with in 10 (Ten) days of receipt of this letter.
 Deputy Director Education (Perl)"
5. Thereafter Ms. R. Rathika sent a request letter dated 16.11.2015 for extending the time of joining for six months which is extracted hereinbelow:-

"To
 The Secretary-cum Director,
 Directorate of Education,
 A & N Administration,
 Port Blair

(S) 62

(Through proper channel)

Sub : Appointment to the post of PGT (Biology) – Reg.

Ref : No.2-8(766)/Edn/Estd/CCB/Rect/2015/4863dt. 30.10.2015

Madam,

With profound respect, I am to refer to the aforesaid letter received on 09.11.2015 and to draw your kind attention to the following few lines for favourable consideration and order please.

That, I am at present employed as Graduate Trained Teacher (Life Science) at Secondary School, Nimbutala since July 2014, completing only 1½ years of my tenure.

That upon my posting to Rangat, after lapse of a year my husband got transferred and post in PAO, Rangat during first week of August 2015 in line with DOPT's OM No.28034/9/2009-Estd(A) dt. 30.09.09. Coincidentally, I was appointed as PGT and posted to GSSS lapathy vide O/O No.3100 dt.13.08.2015.

That, due to his recent effect of transfer and posting to Rangat, the feasibility of again moving to a new station on transfer and posting to Car Nicobar will be next to impossible in this shot notice.

And that, we have a 2 yr old infant baby who is wholly dependent upon me for his daily needs and in the absence of my spouse posted there, it could be very miserable for me to live a peaceful life with my child in the new station.

In view of the above facts and in accordance with your letter I am to submit here that I may kindly be permitted to extend my joining to the post of PGT (Biology) at GSSS Lapathy by six months and allow to report for duty at Rangat station as PGT on humanitarian grounds.

For this act of kindness, we shall ever remain grateful to your,

Thanking you,

Yours faithfully,

Rangat
16.11.2015

R Rathika
GTT, SS Nimutala"



6. The Ld. Counsel for the respondents also brought on record a letter dated 13.1.2016 wherein the letter of Ms. R. Rathika was replied in the following manner. The same is also quoted hereinbelow:-

“ Port Blair, dated the 13th January, 2016

To

Ms. Rathika, GTT,
Govt. Sec. School, Nimbutala,
Through Deputy Education Officer, Rangat

Madam,

I am directed to refer your letter dated 16.11.2015 and to inform you that a final opportunity is offered to you to join duty as PGT (Biology) as GSSS Lapathy in compliance with order No. 3100 dated 13.8.2015 on or before 12.2.2016. Failing which your appointment to the post of PGT (Biology) will be cancelled and the same will be offered to the next merit holder.

Further, it is informed to you that no more correspondence in this regard will be entertained by this Directorate for change of place of posting or extension of joining time.

Deputy Director Education(Perl)”

7. The letter dated 13.1.2016 reveals that date of joining was extended till 12.2.2016 and it was clearly mentioned therein that failing which here appointment to the post of PGT (Biology) will be cancelled and the same will be offered to the next merit holder.

8. Ld. Counsel for the respondents pointed out that she in response to the letter dated 13.1.2016 did not join.

9. The respondents categorically mentioned in its last letter extending time to Ms. R. Rathika to join till 12.2.2016 and made clear that in case she failed to join, the appointment will be offered to next incumbent in the merit list.

10. Hence, we dispose of this O.A. finally with a direction to the respondents that in case Ms. R. Rathika has not joined in pursuance of the offer of appointment and the extended time to join has elapsed and



appointment of Ms. R. Rathika has been cancelled, next incumbent in the merit list to be offered appointment. In this case, the request for filing reply is not to be extended and there is no need to linger on the proceedings only for granting time to file reply.

11. With this observation, the O.A. is disposed of. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP