

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.260/728/2014

Date of Reserve:07.03.2019

Date of Order:10.04.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Sri Pitambar Tajan, aged about 38 years, S/o. Sri Madhusudan Tajan,
Vill/Post-Rouldega, Via-Talasara, Dist-Sundargarh-770 074.

...Applicant

By the Advocate (s)-M/s.N.R.Routray
T.K.Choudhury
M.P.J.Ray

-VERSUS-

Union of India represented through:

1. The Director General of Posts, Dak Bhawan, New Delhi-110 016.
2. Chief Post Master General, Odisha Circle, Bhubaneswar-751 001.
3. Assistant Director Postal Servies, O/o.PMG Sambalpur Region, Sambalpur-768 001.
4. Sr.Superintendent of Post Offices, Sundargarh Division, At/PO/Dist-Sundargarh-770001.
5. Minati Argal, GDS BPM, At/PO-Sagijore bo, Via-Talasara, Dist-Sundargarh.

...Respondents

By the Advocate(s)-Mr.C.M.Singh
M/s.R.Prusty
C.R.Kar

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

Applicant was an aspiring candidate for the post of Gramin Dak Sevak Branch Post Master (in short GDSBPM), Sagijore Branch Post Office in account with Talasara S.O. in pursuance of a notification issued by the Department of

Posts dated 9.8.2012(A/1). According to him, one Binod Joipura having secured the highest marks stood first, but, as he failed to provide suitable rent free accommodation for the use of the Post Office, he could not be offered appointment. His grievance is that although he had secured 363 marks out of 750 and should have been offered with the appointment letter as he was ready and willing to provide rent free accommodation for the Post Office, but the respondent-authorities issued appointment letter in favour of Minati Argal (Private Respondent No.5), who has secured less marks, i.e., 357 out of 750 than him. Hence, by filing the present O.A. the applicant has prayed for quashing the appointment of Respondent No.5 (Annexure-A/5) and to direct Respondent No.4 to consider his case for the post of GDSBPM, Sagijore BO and appoint him as GDSBPM of Sagijore BO with effect from the date Res.No.5 joined in that post will all consequential benefits.

2. Contesting the claim of the applicant, official respondents have filed a detailed counter. It has been submitted by the official respondents that in response to public notice, as many as 30 candidates had applied for the post in question. Accordingly, the check list containing the names of all the 30 applicants was prepared vide R/1. The applicants at Sl.Nos. 5, 6, 12, 26, 27 and 28 in the said check list were found to have not submitted their applications in the prescribed proforma and hence, their candidatures were rejected. So far as the present applicant is concerned, his name was placed at Sl.No.28 of the check list and as per office note at R/2, since he had not submitted his application in the prescribed proforma, his candidature was also rejected. According to official respondents, since the first meritorious candidate Sri Binod Jaypuria could not provide the rent free accommodation for the use of the Branch Post Offices, his selection was cancelled and the 2nd candidate in

the merit list, Minati Argal (Res.No.5) was ultimately issued with the offer of appointment. The official respondents have therefore, prayed that the O.A. being devoid of merit is liable to be dismissed.

3. Private Respondent No.5 in response to notice, has filed counter and entered appearance. In the counter filed by Respondent No.5, the more or less the same point as in the counter filed by the official respondents, has been urged and it has been submitted that the O.A. should be dismissed as devoid of merit

4. We have heard the learned counsels for the respective parties and perused the records. It reveals from the notification dated 09.08.2012(A/1) that the intending candidates applying for the post of GDSBPM, Sagijore were required to submit their applications as per the prescribed proforma enclosed to the notification. It is not the case of the applicant that he had submitted his application for the post in question in the said prescribed proforma as enclosed to the notification dated 09.08.2012. On a perusal of check list (R/1), it is found that in the remark column against the name of the applicant at Sl.No.28, it is mentioned that "Appl. Not in the Prescribed Proforma". This fact stands uncontroverted. The plea of the applicant that before and after the notification dated 09.08.2012, in many other notifications applications had been invited in the old proforma and as such, even if he had submitted his application in the old proforma, the same should not have been rejected, does not hold any water. It is pertinent to note here that in a process of recruitment, the tenor of the notification is of paramount consideration and any deviation therefrom entails cancellation and/or rejection of the application at the very threshold. Since, it is an admitted position that the applicant had not submitted his application in the prescribed proforma as

enclosed to the notification dated 09.08.2012, his application has rightly been rejected and in this respect, intervention of the Tribunal is uncalled for.

5. In the result, the O.A. being devoid of merit is dismissed. No costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

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