

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00842/15

Date of Order: 15.04.2019

C O R A M
HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Poonam Kumari, W/o Sri Saurabh Kumar, resident of Village- Kuriya, PO- Haweli Kharagpur, District- Munger.

.... Applicant.

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India, through the Chief Postmaster General, Bihar Circle, Patna.
2. The Director of Postal Services (Hq.), O/o Chief Postmaster General, Bihar Circle, Patna.
3. The Superintendent of Post Offices, Bhagalpur Division, Bhagalpur.
4. The Inspector Posts, Sultanganj.
5. Shri Anant Kumar Satyarthi, At present working as GDSBPM at Gonai Branch Post Office, Via- Asarganj, District- Munger.

.... Respondents.

By Advocate: - Mr. Bindhyachal Rai

O R D E R
[ORAL]

Per Dinesh Sharma, A.M:- The case of the applicant is that she participated in the selection process for the post of GDSBPM at Gonai Branch Post Office in account with Asarganj Sub Post Office, Dist. Munger under Bhagalpur Postal Division. The applicant along with others were called for interview/verification of documents on 12.02.2011 at Asarganj Sub Post office. After this verification, in which 10 candidates appeared, a list was prepared in which the position of applicant was shown at sl. No. 7.

The candidates from sl. 1 to 6 got their appointment on other posts and as such she was now at first position and should have been issued the selection order. However, the matter was kept pending for years and suddenly an order of appointment has been issued dated 30.06.2015 in favour of respondent no. 5. This person had not participated in the interview/verification of documents and therefore his selection, apparently on extraneous considerations, should be cancelled and the applicant should be appointed to the post at the earliest with all consequential benefits.

2. The respondents have denied the claim of the applicant. They have accepted that initially a list as alleged by the applicant was prepared. However, later, following the instructions issued by the office of the Chief Postmaster General, Patna dated 13.11.2014 (according to which there was no need to call for the applicants for verification of certificates and documents), a fresh list of 5 candidates was prepared. On checking the credentials of these candidates, the certificates of Sl. No.1, 2 and 4 were found fake and bogus while sl. No. 3 got his engagement under Bhagalpur Postal Division. As such, the candidate in position 5th, Shri Aman Kumar Sarthi (private respondent) got his engagement on the post as he secured 82% marks. The applicant who secured 80% marks is below Aman Kumar Sarthi and that is why she could not be appointed to this post.

3. No rejoinder was filed by the applicant.

4. We have gone through the pleadings and heard the arguments of the learned counsels of both the parties. The claim of the applicant is based on that she, along with others, had appeared for

interview/verification on 12. 2.2011 and, at that time, the private respondent had not appeared. This is not denied by the respondents. However, the fact remains that the person who was finally given appointment had also applied along with the applicant and had higher marks than the applicant. Though the respondents have not provided any explanation for the delay in selection, this alone cannot lead to a conclusive finding about selection being done on extraneous considerations. In the absence of any such proof of extraneous considerations, the selection of private respondent, on account of his having more marks than the applicant, cannot be found fault with. The OA is, therefore, dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member