

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. O.A. 1062 of 2011

Date of order : 23.2.2016

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

SK. MAHIDUL

VS.

UNION OF INDIA & ORS. (Posts)

For the Applicant : Mr. S. Banerjee, Counsel

For the Respondents : Mr. C.R. Bag, Counsel  
Mr. B.P. Manna, Counsel

O R D E R (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

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

2. This O.A. has been filed seeking the following reliefs:-

- a) A mandatory order be passed directing the respondent authorities concerned to forthwith rescind/cancel/withdraw the entire selection process for the post of 'Gramin Dak Sevak Mail Deliverer' for selecting the private respondent No. 5 herein.
- b) A mandatory order be passed directing the respondent authorities concerned to forthwith consider and dispose of the candidature of the applicant for the post of Gramin Dak Sevak Mail Deliverer in the light of the Notification No. A21/GDSMD/Purba Srirampur, RO/09 dated 21<sup>st</sup> day of December, 2009 and also the rules by conducting a fresh selection process.
- c) Pass such other or further orders and/or direction or directions as to this learned Tribunal may seem fit and proper."

2. The applicant appeared in an examination for the post of GDSMD at Purba Srirampur. The applicant along with 23 others appeared in the written

examination. The petitioner secured 5<sup>th</sup> position. The first three candidates did not join. Consequently the 4<sup>th</sup> applicant, namely, Sahadeb Barik joined. In terms of the appointment letter he had taken a residence in the postal area Purba Srirampur in the house of one Niranjan Bera and placed on record the proof thereof.

3. The fact that the applicant got the 5<sup>th</sup> position and the first three respondents declined to join is not in dispute. The petitioner only dispute that the declaration which the respondent No. 5 furnished and stated that it is not correct declaration because respondent No. 5 had not taken the house of Niranjan Bera for his residence. It is also submitted that Niranjan Bera has no house in the village Purba Srirampur. No other ground has been taken to challenge the appointment of the respondent No. 5 who has been appointed on the aforesaid post. It has been contended by the Ld. Counsel for the respondents that respondent No. 5 submitted declaration and he is residing in that area. Therefore, he has complied with the condition precedent for selection to the post. It is also stated that the appointment letter was issued only after verification of the declaration.

4. Hence in view of the above, in the case the appointment of respondent No. 5 cannot be set aside. In such circumstances, at the most the applicant may make complaint to the authorities and if the authorities come to the conclusion that the declaration filed is incorrect then they may take appropriate steps against the respondent No. 5.

5. However, this petition is misconceived and is accordingly dismissed. There shall be no order as to costs.

(Jaya Das Gupta)  
MEMBER(A)

(Vishnu Chandra Gupta)  
MEMBER(J)

SP