



**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

O.A. No. 350/00772/2015

Date of Order: 26.02.2019

Present: **THE HON'BLE SMT. MANJULA DAS, MEMBER (J)**
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)

Krishna Pandit
 Daughter of Sarat Kumar Pandit
 Aged about 26 years, residing at
 Village – Chandipur, P.O. – Mathchandipur
 Dist – Purba Medinipore, Pin – 721659.

...Applicant

-Versus-

1. Union of India
 Through the Secretary
 Ministry of Communication
 Department of Posts, Dak Bhavan
 New Delhi – 1.
2. The Chief Post Master General
 Yogayog Bhavan
 C.R. Avenue, Kolkata – 700012.
3. The Superintendent of Post Offices
 Tamluk Division, P.O. – Tamluk
 Dist – Purba Medinipore, Pin – 721636.
4. The Sub-Divisional Inspector
 Mathchandipur Sub-Division
 P.O. – Mathchandipur
 Dist – Purba Medinipore, Pin – 721659.

...Respondents

For the Applicant : Mr. A. Chakraborty

For the Respondents : Mr. P.N. Sharma

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ORDER (ORAL)**NEKKHOMANG NEIHSIAL, MEMBER (A):**

At the outset, M.A. No. 350/00200/2015 which has been filed for condonation of delay in filing the O.A. No. 350/00772/2015 is allowed.

2. By this O.A., applicant makes a prayer to quash the office order dated 27.11.2012 by which the respondent No. 3 had cancelled the selection process in the post of GDSMD, Kankra B.O and for a direction upon the respondents to grant appointment in favour of her in the said post of GDSMD, Kankra at an early date.
3. The main grounds taken by the applicant in the instant petition are that from the office orders dated 27.11.2012, 06.12.2012 and 12.10.2012 she has come to learnt that because of some irregularities found out in the selection process in question, the service of the responsible officer i.e. he then Inspector of Posts, Tamluk Division and the services of the selected candidate namely Kinkar Maity were cancelled. Although the selection of the selected candidate for the post of GDSMD, Kakra B.O. was cancelled, however, no steps have been taken by the respondent authorities till date to fill up the



said posts. The applicant submitted her application for consideration of her candidature for the posts of GDSMD, Kakara B.O. Moreover, in the order and judgment dated 23.03.2012 passed by this Tribunal, it was categorically observed that the applicant got highest marks amongst the candidates but the respondent authorities are sitting tight over the matter and failed to consider the candidature of the applicant even after cancellation of the candidature of the selected candidate who is lower in merits than the applicant.

4. According to the applicant, since she got the highest marks in the Madhyamik Examination, there is no other option but to issue offer of appointment letter in favour of her. However, because of illegal action on the part of the respondent No. 4, she was deprived of getting the benefit of appointment to the post of Delivery Agent. Her case was considered along with others in view of the Court's order. The selection was made on the basis of bio-data verification and after bio-data verification; it appears that she got highest marks amongst the eligible candidates. In view of the above, the applicant prays for a direction upon the respondent authorities to grant appointment in favour of her in the post of GDSMD, Kankra.

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5. Applicant fairly highlighted that vide one single advertisement, applications were invited by the respondent authorities to fill up the various posts of GDSMD in Gopinathpur B.O., Baraibar B.O., Paikbher B.O., Uttarkodbar B.O., Garkrishnanagar B.O., Brindabanpur B.O., Rankinipur B.O., Kakra B.O, Khagdabirgram B.O. out of one selection process. The respondent authorities engaged candidates in every GDSMD posts except for the last two Branch Post Offices for the reasons best known to them.

6. This is a case wherein this Tribunal has already adjudicated vide common order dated 23.03.2012 in O.A. Nos. 2001, 2002, 2003, 2004, 2005 & 2006/2010. Consequent to this judgment, the department i.e. the respondent authorities have already cancelled the selection/recruitment vide their order No. SP/CON/DISC.02/2012/Kakra/TAMLUK dated 27.11.2012, page 62 to the OA. After this, the applicant has gone to the Hon'ble High Court at Calcutta vide W.P.C.T. 44 of 2013. The Hon'ble Calcutta High Court vide order dated 12.03.2014 dismissed the said Writ Petition as infurctuous considering that the department has already cancelled the selection/engagement vide their order dated 27.11.2012 as a consequence of this Tribunal's order dated 23.03.2012.

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7. The factual position being as above, we find no merit in the present O.A. of the applicant. However, during the hearing, the learned counsel for the applicant has informed that one incumbent namely Shri Kinkar Maity has been reinstated vide order dated 13.04.2015. The record of this stated order dated 13.04.2015 however, is not made available to the court. However, if there is such an order, it is considered to be bad in law and would stand set aside automatically.

8. In view of the above, respondent authorities are, accordingly directed to go for fresh selection immediately not later than one month from the date of receipt a copy of this order and issue notice/circular for recruitment to the post of GDS BPM, Kakara Sub Division, Midnapore with due advertisement or Employment Exchange.

9. O.A. stands disposed of accordingly. There shall be no order as to costs.

(NEKKHOMANG NEHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)