

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



No. O.A. 806 of 2019  
M.A. 446 of 2019

Date of order: 16.7.2019

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Chiranjib Kundu,  
Son of Late Chittaranjan Kundu,  
Aged about 54 years,  
Residing at F3/003,  
Peerless Nagar,  
N.T. Road, Panihati,  
Kolkata - 700 114.

2. Arunava Ghosh,  
Son of Late Subhash Chandra Ghosh,  
Aged about 55 years,  
Residing at Village - Saktigarh,  
P.O. - Bongaon,  
District - North 24 Parganas,  
Pin - 743 235.

... Applicants

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1. Union of India through the  
Secretary,  
Ministry of Communication & Information  
Technology, Department of Post,  
Dak Bhawan,  
Sanshad Marg, New Delhi - 110 001.

2. The Director (Budget & Administration  
Department of Posts),  
Postal Account Wings,  
Dak Bhawan,  
New Delhi - 110 001.

3. The Director,  
Ministry of Communication and Information  
Technology, Department of Posts,  
Postal Accounts Wing,  
Dak Bhawan,  
New Delhi - 110 001.

4. The General Manager (PAF),

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P-36, C.R. Avenue,  
Yogayog Bhawan,  
Kolkata - 700 012.

... Respondents

For the Applicants : Mr. A. Chakraborty, Counsel

For the Respondents : Ms. D. Nag, Counsel

**O R D E R (Oral)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicants have approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(i) Take steps for de-reservation of the posts belonging to reserved categories that could not be filled up due to non-availability of sufficient number of qualified candidates belonging to SC/ST for such promotion against reserved vacancies in connection with Limited Departmental Competitive Examination for recruitment in AAO Cadre of IP & TAFS, Group-B for the year 2018-2019 and to take steps for exclusion of the names of the candidates belonging to reserved categories, who were initially extended with the benefit of relaxation and declared qualified on merits in connection with the present selection process, who were;

(ii) Make arrangements for preparation and thereby publication of a further and/or 2<sup>nd</sup> merit list in order to get all unfilled vacancies filled up against Limited Departmental Competitive Examination for recruitment to AAO Cadre of IP & TAFS Group-B as on recruitment year 2018-2019 considering the candidature of the candidates who got qualifying marks as per norms of notification;

(iii) Consider the case of the applicants for their selection against Limited Departmental Competitive Examination for recruitment to AAO Cadre of IP & TAFS, Group-B as on recruitment year 2018-2019 considering the candidature of the candidates who got qualifying marks as per norms of notification.

(iv) Consider the case of the applicants for their selection against Limited Departmental Competitive Examination for recruitment to AAO Cadre of IP & TAFS, Group - B for the year 2018-2019 at an early date;

(v) Costs of and incidental to this application;

(vi) Pass such further or other order or orders."

2. Heard Ld. Counsel for both sides, examined documents. The matter is taken up at the admission stage.

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3. An M.A. bearing No. 446 of 2019 has been filed praying for joint prosecution. On being satisfied on the commonality of interest and common cause of action, the M.A. is allowed and disposed of accordingly.

4. The applicants' submissions, as made through his Ld. Counsel, is that, a notification was issued on 19.4.2018 inviting applications from eligible candidates for Limited Departmental Competitive Examination for recruitment to posts of Accounts Officer and Assistant Accounts Officers. The applicants applied and participated in the said process. When the results were declared, however, it was found that the applicants' marks were just below the cut off marks for unreserved candidates.

That, the applicants came to learn that the reserved posts belonging to SC and ST could not be filled up and, according to the applicants, following the instructions of DOP&T, if sufficient number of qualified candidates belonging to SC and ST are not available for promotion against reserved vacancies, the authorities should take steps for de-reservation and for filling up posts from other communities.

The applicants preferred a detailed representation dated 30.4.2019 to no effect and, hence, Ld. Counsel for the applicant submits, that the respondent authorities be directed to dispose of the same in a time bound manner.

5. Ld. Counsel for the respondents does not object to disposal of said representation in accordance with law.

6. Accordingly without entering into the merits of the matter and with the consent of the parties, I direct the respondent No. 4, who is the General Manager (PAF), Yogayog Bhawan, Kolkata to examine the contents of the representations dated 30.4.2019 (Annexure A-3 to the O.A. colly), if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The decision should be taken in

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accordance with law and communicated in the form of reasoned and speaking order forthwith thereafter to the applicants.

7. With these directions, the O.A. & M.A. are disposed of. No costs.

*(Dr. Nandita Chatterjee)*  
*Administrative Member*

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