

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BECH
Original Application No. 419/2021**



Dated this the 28th day of October, 2021

CORAM:

Hon'ble Shri Jayesh V Bhairavia, Member(J)

Hon'ble Dr. A. K. Dubey, Member(A)

1. Shri. Rameshpuri,
Son of Shri Sompuri Goswami,
Age 59 years, serving as MTS
in the office of the respondents,
Residing at – Mukam Post Nana Jalundva,
Village, Taluka : Dehgam,
Dist. Gandhinagar – 382 321.

... Applicant

Ahmedabad Bench

(By Advocate Shri M S Trivedi)

V/s.

1. Union of India, through
The Director (SPN) Government of India,
Ministry of Communication,
Department of Posts, Personnel Division,
Dak Bhavan, Sansad Marg, New Delhi – 110 001.
2. The Chief Post Master General
O/o. CPMG, Gujarat Circle,
Khanpur, Ahmedabad – 380 001.
3. The Senior Superintendent of Post Office,
O/o. Sr. Supdnt of P.O.,
RMS 'AM' Division, Ahmedabad – 380 006.

... Respondents

ORDER (ORAL)**Per: Hon'ble Dr. A. K. Dubey, Member (A)****Ahmedabad Bench**

1. The applicant has preferred this OA seeking to quash the communication from the Sr. Superintendent of Post, Ahmedabad dated 07.03.2019 (Annexure A/1) which is the reply to the legal notice served on behalf of the applicant by his counsel. The relief actually sought is against the respondents who did not consider the applicant's request to give him posting in Group – D Test Category in 2009.
2. Vide Memo dated 03.07.2020 (Annexure A/4), the applicant was allotted to the Postmaster, Gandhinagar HO, after having been recommended by DPC in its meeting dated 30.06.2020 against the vacancy of 2020. This memo requires certain formalities to be completed by the applicants. It also says that the ASPO/IPO/PM/SPM concerned would initiate immediate action for pre-appointment formalities. Subsequently, vide memo dated 08.07.2020 (Annexure A/4 colly.) the applicant was appointed as MTS in Gandhinagar HO, on purely temporary basis. The appointment letter was subject to certain procedural formalities.
3. The reply to the legal notice (Annexure A/1) reveals that the applicant was selected for Group D (TC) cadre and was required to report for further recruitment process, vide memo dated 18.12.2009 (This memo is not enclosed with OA). The reply also informs that the memo dated 18.12.2009 was later cancelled in compliance with the directions from headquarters.



4. Documents brought before us that are the order dated 03.07.2010 & 08.07.2010 (Annexure A/4 colly) have not been impugned. What has been impugned is the reply dated 07.03.2019 (Annexure A/1) by the respondents to the legal notice sent by the applicant's counsel. This reply to the legal notice refers to memo dated 18.12.2009 and endorsement dated 17.12.2009, which have not been brought before us. There is no explanation whether the memo dated 18.12.2009 was agitated at that time or even later and if not, why. Even MA No. 414/2021 for condonation of delay does not make any reference to this period of delay.

- 4.1 The memo dated 03.07.2020 has not been impugned and that makes this case peculiar. What is impugned (Annexure A/1) is not actionable per se. The memo dated 18.12.2009 was not impugned at that time or any time later. Be that as it may, no legal or procedural infirmity has ever been indicated. Nor is it a case of infringement of any indefeasible right.

5. We are therefore of the opinion that this is not a fit case where notice could be issued since no actionable point is discernible from the pleadings. OA lacks merit and is therefore dismissed at the admission stage.

(A K Dubey)
Member(A)

(Jayesh V Bhairavia)
Member(J)