

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/0896/2019

DATED THIS THE 02nd DAY OF MARCH, 2020

**HON'BLE DR. K.B.SURESH
HON'BLE SHRI C.V.SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Sri Channegowda B.N,
S/o Narasimhamurthy B.C,
Aged about 25 years,
Bettahalli, Amruthur Hobli,
Kunigal Taluk, Tumkur-572111.
Working as GDS (MD & MC)
At Bettahalli Branch Post Office,
Bettahalli, Amruthur Hobli,
Tumkur.Applicant.

(By Advocate Shri Rakshith Kumar)

V/s.

1. Union Government of India
Ministry of India Post and Communication & IT
Department of Posts,
Dak Bhavan,
New Delhi-110 001.
Rep. by its Secretary.

2. Superintendent of Post Offices,
Tumkur Division,
Tumkur-572 102.

3. Inspector of Post
Kunigal Sub-Division, Kunigal,
Tumkur District-572130.Respondents

(By Shri N. B. Patil, Standing Counsel for Respondents)

ORDER (ORAL)**HON'BLE DR. K.B.SURESH** ...**MEMBER(J)**

Heard. The applicant has admittedly worked for 44 months as GDS MD. Therefore, under the extant rules, after having completed 36 months of service, he obtains a right to be kept in the waiting list.

2. Learned counsel for the respondents submits that there is a gap of one day in between certain appointments. That was an artificial gap created to decimate any right which the applicant would get. But then, that gap was made even when the requirement of that post existed and the applicant was ready to fill up that post and therefore that gap will have no meaning or relevance. The applicant will be allowed to be kept in the waiting list and appropriate orders passed in accordance with law within one month. OA allowed to this extent.

3. At this point of time, learned counsel for the respondents pointed out to Annexure R-15, which is our own Judgment. But there is a distinction between that Judgment and the facts of this case. In that case there is no contention that the applicant therein had completed 3 years of service, here, admittedly the applicant had completed 44 months of service, even though with an artificial gap of one day in between. Therefore, Annexure R-15 and 16 will not have any relevance in this matter. OA allowed. No costs.

4. It is to be noted that in this case 36 months of service must be satisfactory service. Apparently, by the time to time renewal of his appointment with a gap of

one day, indicates that the respondents were satisfied with his service, otherwise this stipulation may not be available. OA allowed. No costs.

(C.V.SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA No.170/00896/2019

Annexure A1 : Copy of letter dated 05.01.2017 issued by R-3.
Annexure A2 : Copy of salary revamp letter dated 05.04.2016 issued by R-2.
Annexure A3 : Copy of Bank account statement.

Annexures referred to by the Respondents in the Reply

Annexure R 1 : Copy of request letter
Annexure R 2 : Copy of request letter
Annexure R 3 : Copy of request letter
Annexure R 4 : Copy of request letter
Annexure R 5 : Copy of stop gap arrangement order
Annexure R 6 : Copy of stop gap arrangement order
Annexure R 7 : Copy of stop gap arrangement order
Annexure R 8 : Copy of stop gap arrangement order
Annexure R 9 : Copy of stop gap arrangement order
Annexure R 10 : Copy of stop gap arrangement order
Annexure R 11 : Copy of stop gap arrangement order
Annexure R 12 : Copy of stop gap arrangement order
Annexure R 13 : Copy of stop gap arrangement order
Annexure R 14 : Copy of stop gap arrangement order
Annexure R 15 : Copy of the order dated 19.02.2014 in OA.No.1431/2014.
Annexure R 16 : Copy of the order dated 18.11.2013 in WP.No.24357/2013 (S-CAT).
