

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1488/98

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Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 4th day of May, 1999

Shri Surender Pal Singh
S/o Shri Jogeshwar Singh
R/o 221, Ali Ganj
Kotla, (J.S. Verma Marg)
New Delhi 110 003

... Applicant

(By Shri U. Srivastava, Advocate)

Versus

Union of India through

1. The Secretary
Ministry of Communications
Department of Post
Dak Bhawan, Sansad Marg
New Delhi
2. Asstt. Director General (Admn)
Dak Bhawan, Sansad Marg
New Delhi

... Respondents

(By Shri K.K. Patel, Advocate)

O R D E R

The applicant, on being sponsored by the Employment Exchange, was appointed as a Peon in the Postal Department for a period of three months by an order dated 30.5.1995. His grievance is that the respondents have now again called for candidates for the same work on 11.8.1998 and have left out the applicant.

2. On the basis of an interim direction, the respondents were asked also to consider the applicant. The applicant was however not selected.

3. The respondents submit that the applicant had been appointed by the order dated 30.5.1995 purely on an ad-hoc basis for a specified period of

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three months. As such no right accrued to him for any future employment with the respondents. They submit that certain persons who had been appointed on 30.5.95 alongwith the applicant and whose services were also terminated alongwith the applicant, were again considered because of the orders of this Tribunal. On the interim directions of the Tribunal in the present O.A. the applicant was also considered likewise.

4. Shri U. Srivastav, learned counsel for the applicant, argued that the applicant had acquired a preferential right over freshers and outsiders. He had already been found suitable by a selection test and there was no reason for him to be subjected to a fresh test. He alleged that the applicant had been declared unfit only because of the annoyance of the respondents on his approaching the Tribunal.

5. The applicant had a right to be reconsidered on the basis of past service rendered by him. As a person who had already been in engagement with the respondents and whose services were dispensed with only because of lack of work, he had also a right to preferential consideration over his complete strangers and outsiders. However, there is no allegation that the applicant has been ignored by selecting newcomers and that the applicant has superior educational qualification over newcomers if any. A reply has been filed by an officer of the rank of Assistant Director General. He states that the applicant was considered in accordance with the direction by the Tribunal. Merely because the

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applicant has not been selected cannot lead to the inference that the respondents are annoyed for his approaching the Tribunal, more particularly as he has not been able to show that those selected had patently inferior qualifications.

5. Finding no ground for interference, the O.A. is dismissed.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

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