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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 306/86

DECIDED ON : 5.7.1993

Ram Mohan Sharma

... Applicant

Vs.

Union of India & Ors.

... Respondents

COMMISSION :

THE HON'BLE MR. JUSTICE S. K. DHANON, V.C. (J)  
THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri Sant Singh, Counsel for Applicant

Shri M. L. Verma, Counsel for Respondents 1&2.

Shri Bhattacharya, Counsel for Respondent No.3

J U D G M E N T (ORAL)

Hon'ble Mr. Justice S. K. Dhanon, V.C. (J) :-

The controversy relates to the appointment of an Extra Departmental Sub Post Master in Village Nandgam in the District of Mathura. On 15.7.1985 the applicant was given a letter of appointment as an Extra Departmental Sub Post Master. In paragraph 1 of the said letter it is stated that a provisional appointment was being given to the applicant for a period of three months from the date of charge till regular appointment is made whichever period is shorter. Indisputedly no formal letter or notice terminating the appointment of the applicant was issued. Furthermore, he was allowed to continue as Sub Post Master even after expiry of three months from 15.7.1985. On 28.11.1985, a letter of appointment was issued in favour of respondent No.3 stating therein that he was being appointed as a Sub Post Master "till regular appointment is made whichever period is shorter." Apparently, the period of three months as indicated in the letter of appointment issued to the applicant did not find place in the letter of appointment issued to respondent No.3. However, in the

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context of paragraph No.1 of the appointment letter, there has been no escape from the conclusion that the period of three months had been inadvertently omitted. This is clarified by the contents of paragraph No.2 of the letter of appointment which indicates that the respondent No.3 had been offered a provisional appointment with the clear understanding that the said appointment could be terminated when a regular appointment was made and he (respondent No.3) had no claim for appointment to any post.

2. A reply has been filed on behalf of the Department. A reply too has been filed on behalf of respondent No.3. Counsel for the parties have been heard.

3. It is the Department's case that, so far, no regular appointment has been made. However, Shri M. L. Verma, learned counsel for respondents 1 and 2 has vehemently urged that the applicant had no legal right to maintain this application as his appointment came automatically to an end on the expiry of three months from 15.7.1985 or from the date he took over the charge. On the first blush, this argument sounds well. However, on a reading of the tenor of the appointment letter issued to the applicant it appears that the intention was that unless the authority felt that the appointment of the applicant should be terminated, he was to continue on provisional basis till a regular appointment was made. Such a conclusion appears to be fair also. We see no reason as to why one provisional appointment should be substituted by another provisional appointment. Such a situation may lead to arbitrariness.

4. We are not impressed with the argument of respondent No.3 that the contents of his letter of appointment are

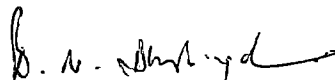
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
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different to the contents of the appointment letter of the applicant. The record shown to us indicates that the respondent No.3 had with open eyes accepted the letter of appointment. We are not inclined to go into the merits of the case of the respondent No.3 or of the applicant. We are making no comment whatsoever that either the applicant or the respondent No.3 should be given a regular appointment.

5. This petition succeeds and is allowed. We direct the respondents not to interfere with the working of the applicant as a Sub Post Master in Village Nandgam on the basis of the letter of appointment dated 15.7.1985 till a regular appointment is made in accordance with law or till the services of the applicant are terminated in accordance with law and after giving reasons.

There shall be no order as to costs.

  
( B. N. Dhoundiyal )  
Member (A)

  
( S. K. Dhaon )  
Vice Chairman (J)