

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
NEW DEXXXIO.A. No. 319 of 1980
ExxNo.

DATE OF DECISION 12.8.1991

T.S. Pandya

Petitioner

Mr. J.G. Chauhan

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. P.M. Raval

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.M. Singh

.. Member (A)

The Hon'ble Mr. R.C. Bhatt

.. Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

1. T.S. Pandya,
Slum Quarters,
Tulsiwadi,
Vadodara.

Legal heirs :

1/1. Savitaben T. Pandya
w/o T.S. Pandya

1/2. Ashok)
1/3. Pravinkumar) s/o T.S. Pandya

1/4. Bharat)
(Advocate - Mr. J.G. Chauhan)

.. Applicants

Versus

1. Union of India,
DG Department of Post,
New Delhi.

2. Post Master General,
Gujarat Circle,
Ahmedabad.

3. Director of Postal Services,
Vadodara Region,
RMS Bhavan, Pratapnagar,
Vadodara.

4. Senior Supdt. of Post,
East Division,
Vadodara.

.. Respondents

O.A. NO. 319 of 1990

O R A L - O R D E R

Dated : 12.8.1991

Per : Hon'ble Mr. M.M. Singh .. Member (A)

This Original Application filed under section 19 of the Administrative Tribunals Act, 1985 by the applicant since deceased, has a brief fact, that the applicant working as Packer at Jambusar Post Office was also utilised as Driver of the postal vehicles for which he was being paid honorarium as per rules. The contention of the applicant in the application is

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that he should be treated as regularly appointed as Driver as he has worked for more than 7½ years as Driver.

2. There is no averment in the application that the applicant possessed the prescribed minimum qualification for the appointment of Driver in the postal department. There is also no averment in the application that the respondents wanting to fill up ^{invited} the post of regular Driver had ~~asked~~ for applications from the candidates and that the applicant had ^{an} submitted application. There is an averment in para 6(iii) of the application that the opponents had circulated a letter and invited applications from the staff working in Group D and who is willing to work as Driver of Mail Motor service. Further at page 7(c) prayer is that the applicant may be awarded pay and allowance as a Driver on deputation basis w.e.f. 13.12.1982 instead of honorarium.

3. On the facts of the case contains in the application itself the applicant's case is of appointment to one post and he is working to discharge duties of a Driver on payment of honorarium for which arrangement he apparently himself agreed ^{ed} ^{with}. There is no averment in the application regarding minimum qualifications laid down in the department for Driver ^{by} ^{and} ^{therefore} his claim for appointment as Driver cannot be considered. Even an employee not qualified for appointment as regular Driver ^{in the department} can be paid by the department for driving departmental vehicle ^{the} in case ^{the} person agrees to take up the work as Driver in addition to his own ^{on payment of honorarium} work. So far question of deputation figuring in the

relief is concerned, deputation implies from one department to another department, which is not the case here.

4. It may be mentioned that during the pendency of the application as the applicant expired, his heirs were restored as applicant. The prayers 7(A) and 7(B) of the application, therefore were not pressed.

5. In view of the above, the application has no merits for further consideration. We hereby reject the same. No order as to costs.

R C Bhatt
(R C Bhatt)
Member(J)

M M Singh
(M M Singh)
Member(A)

*Mogera

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