

Regulation of (per)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(5)

O.A. No. 81 OF 1991. ~~198~~
TAXON

DATE OF DECISION 9-8-1991.

Ashokpari Samjipari Gosai, Petitioner
(Goswami)

Mr. T.H. Sompura, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents.

Mr. M.R. Raval for Mr. P.M. Raval, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *yes*
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*

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Shri Ashokpari Samjipari Gosai
(Goswami)

Residing at Chavand,
Taluka Lathi,
District Amreli. Applicant.
(Advocate: Mr.T.H.Sompura)

Versus.

1. Union of India
Notice to be served through
Post Master General,
Gujarat Circle,
Navrangpura,
Ahmedabad - 380 009.
2. Superintendent of
Post Office, District
Head Post Office,
Amreli.
3. Inspector of Post Office
Lathi,
District Amreli.
4. Regional Employment Exchange
Office, (District Employment
Exchange Office) Kapad Bazar,
Nand Bhuvan, Amreli. Respondents.

(Advocate: Mr.M.R.Raval for
Mr. P.M. Raval)

O R D E R

O.A.No.81 OF 1991

Date: 9-8-1991.

Per: Hon'ble Mr.M.M.Singh, Administrative Member.

In this Original Application filed under the provisions of section 19 of the Administrative Tribunals Act, 1985, the applicant working as outsider postman (SIC) EDA Agent questions the respondents not exercising their authority to regularise his service despite his working with the respondents for the last more than two years though the respondents are calling for interview other persons and though the applicant's name is registered with the Regional Employment Exchange, Amreli which office has been impleaded in the application as respondent No.4.

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2. The applicant has averred that he has to report daily to the post office and if some postman is on leave, the applicant is given work of delivery of post in place of any postman on leave and he is thus being allotted work when leave vacancy is available and he reports to the post office daily and has been doing so ever since his appointment on 23.3.1989. The applicant's allegation is that he is continued in this manner illegally though there are vacancies against which respondents are appointing ineligible inexperienced persons on regular basis though not considering the case of the applicant. The applicant has alleged ^{that} this amounts to unfair labour practice as defined under the Industrial Disputes Act. The applicant has also alleged that the respondent No. 1 to 3 asked respondent No. 4, the office of the Employment Exchange, to forward names of candidates for the post of postman but respondent No. 4 forwarded names of candidates who do not have requisite experience and did not forward the name of the applicant though he is enrolled in the Employment Exchange. He therefore questions the action of the respondent No. 4 also for not treating the applicant equally with others whose names that office forwarded. The applicant further alleges violation of Articles 14 & 16 of the Constitution in so far as the respondents acted discriminatorily, capriciously and arbitrarily affecting the Fundamental Rights of the applicant. Malafides are also alleged saying that the Inspector of Post Office, Lathi, Respondent No. 3 wants to appoint his relatives and friends and has therefore managed to see that Respondent No. 4 office forwards the names of only such persons. It is claimed by the applicant that if new appointments are

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made on merits, the applicant would be the first to secure the appointment as he is the most eligible person.

3. We notice that unsubstantiated allegations of malafides have been made in the application without mentioning name of any person related to Respondent No.3 whose name may have been forwarded by respondent No.4 office under influence of respondent No.3. The respondent No.3 is Inspector of Post Office, Lathi in the district of Amreli whereas respondent No.4 office is Regional Employment Exchange office in Amreli. The application does not show even the names of the incumbents of these two offices and what nexus if any exists between them due to which respondent No.3 could be seen to exercise some influence on respondent No.4 office in the alleged manner. As a matter of fact, respondent No.4 is mentioned as an office. It is difficult to perceive such allegations of malafide existing with regard to an office.

4. Substantially, it appears to us as a case of a substitute given work in leave vacancies not being given regular employment against regular vacancies which has been questioned.

5. The applicant has not furnished rules of the department with regard to minimum qualifications for regular appointments in the rank claimed. There is no averment that he meets those minimum qualifications. While leave vacancy arrangement may come to be made by giving the work during leave to a any person believed to be capable of discharging the work for the leave period, the same cannot be said with regard to regular appointment which can be given only to persons who
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possess the required minimum qualifications prescribed in the rules of the department. It is not alleged that respondent No.4 office has forwarded names of candidates who do not possess the required minimum qualifications intimated to respondent No.4 office by the respondents No. 1 to 3.

6. In view of the above, the applicant has not laid any material to show the minimum qualifications prescribed for regular appointment and that he possesses these minimum qualifications. In view of this we are of the view that the application does not deserve our further consideration. The application is therefore rejected.

R.C.Bhatt
(R.C.Bhatt)
Judicial Member

M. M. Singh
9/8/81
(M.M. Singh)
Admn. Member