

Termination (No)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

①

O.A. No. 244 /91

1988

~~T.A. No.~~

DATE OF DECISION 9.7.91

Shri S.B.Makwana & Ors. Petitioner

Mr. I.M.Pandya 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 : 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 ? *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. Shivabhai Becharbhai Makwana
17/Akhand Anand Society,
Asarwa, Chamanpura,
Ahmedabad.
2. Kiranbhai Haribhai Parmar,
K.J.Kadiya ni chali,
Balia Limbdi
New Civil Road,
Ahmedabad.
3. Purshottambhai Shankarbhai Gohil
337/52, Pritampura Society No.2,
Girdharnagar Post Office,
Shahibag, Ahmedabad.
4. Savitaben Sombhai Parmar,
7/Ratna Sagar Park,
Triakamlal Chawl No.1,
Nr. Vohra na Roza,
Saraspur,
Ahmedabad.

(Adv.: Mr.I.M.Pandya)

: Applicants

:

Versus

1. Union of India
Through:
The Secretary,
Director of Postal
Parliamentary Street,
New Delhi.
2. The Postmaster General,
Ashram Road,
Ahmedabad.
3. The Superintendent of
Post Offices,
G.P.O. Compound,
Ahmedabad.

: Respondents

(Adv.: Mr.P.M.Raval)

O R A L O R D E R

O.A./244/91

Date: 9.7.1991

Per: Hon'ble Mr. M.M.Singh

: Administrative Member

1. Heard Mr.I.M.Pandya, learned counsel for the applicant.
2. This Original Application has been filed by the four applicants against their termination by oral order of the Post Master, Civil Hospital Post Office, on 13.11.1990.
3. The material facts in the application are that the applicants registered their names in the office of Employment Exchange. Pursuant to it the Employment Exchange informed them about availability of job with Superintendent of Post Offices, Ahmedabad.

The applicants were taken ^{on} employment in the Postal Deptt. by an order of appointment dated 24.6.1989. The contents of the offer of appointment of the applicant No.1 Shri Shivabhai B.Makwana are that he was informed to attend the Civil Hospital Post Office for outsider Postman duty in leave arrangement and that if he ^{be} willing, he may appear with the Employment Exchange registration card and other certificate. Apparently applicant No.1 appeared and was appointed in leave arrangement. No evidence has been produced to show how the other three applicants claimed their appointments. With regard to applicant No.1 it is crystal clear from the offer that the appointment was made in leave arrangement. When appointment is made in leave arrangement, an obvious ^{implication} ~~symbolise~~ is that ^{at} the ^{movement} the leave arrangement comes to an end because ^{of} the person on leave returning to duty, any appointment made in the leave arrangement has to ^{be} automatically terminated. With regard to first applicant therefore the appointment will be liable to such termination and cannot be questioned on that ground alone. With regard to other three applicants no evidence has been produced in the application. Though there is a request that the applicant should be allowed to file one application, no evidence is furnished in the application to show that they have a common cause. The applicant alleges violation of Articles 14 & 16 of the Constitution of India. When an appointment is made in leave vacancy, it ^{is} ~~has~~ liable to be terminated because the leave vacancy is no more available, Article 14 and 16 will not be attracted. In view of the above, the application is rejected.

R.C.Bhatt)
Judicial Member

M. M. Singh 9/3
(M.M.Singh)
Administrative Member

1. Shivabhai Becharbhai Makwana
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(Adv.: Mr. I.M. Pandya)

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: Respondents

(Adv.: Mr. P.M. Raval)

O R A L O R D E R

O.A./244/91

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Per: Hon'ble Mr. M.M. Singh

: Administrative Member

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(R.C.Bhatt)
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