

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. /142/93  
T.A. No.

DATE OF DECISION 6th July, =1993

Shri Janakdas B.Niranjan Petitioner

Mr.B.B.Gogia Advocate for the Petitioner(s)

Versus

Union of India & ors. Respondent

Mr.Akil Kureishi Advocate for the Respondent(s)

**CORAM :**

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

The Hon'ble Mr. M.R.Kolhatkar : Admn. Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

...2..

Shri Janakdas B.Niranjani,  
Hindu, Adult, aged about 25 years,  
Occupation : Unemployed ,  
Address : Village Vasavad,  
' Via Gondal,  
District - Rajkot.

....Applicant

Advocate

Mr.B.B.Gogia

versus

1. Union of India,  
through : Its Secretary,  
Postal Department,  
Government of India,  
New Delhi.
2. Superintendent of Post Offices,  
Gondal Division,  
Gondal.
3. Shri Hanif Chauhan,  
Gondal Head Post office,  
Gondal Division.
4. Shri Kadar Dadhbhai Chauhan,  
EDA, Vasavad Branch Post Office,  
Gondal Division,  
Vasavad

.... Respondents

Advocate

Mr.Akil Kureishi

ORAL JUDGEMENT

O.A./142/93

Date : 6/7/1993

Per : Hon'ble Shri R.C.Bhatt,  
Judicial Member.

Mr.B.B.Gogia, learned advocate for  
the applicant. Mr.Akil Kureishi, learned advocate for  
the respondents.

2. This application under section 19 of the  
Administrative Tribunal Act, is filed by the applicant  
who was ~~casually~~ <sup>on a casual basis</sup> employed according to him as EDA

in Vasavad Branch Post office from 4th January, 1991  
to 5th December, 1991 and then from 13th February, 1992  
to 15th September, 1992 for a declaration that the  
termination of his service from 16th September, 1992  
and also the orders' dated 2nd November, 1992 issued  
by the Superintendent of Post Office, Gondal division  
as illegal, ineffective and for continuance of his  
service with all benefitis and the respondents be directed  
to regularise the service of the applicant. The case  
of the applicant as pleaded in the application is  
that he was working as EDA and the respondents have  
orally terminated his service from 2nd September, 1992  
without any reason. He has produced the documents,  
annexures. Annexure A/1 to Annexure A/4. in support of  
his application. The documents, Annexure A/1 and Annexure  
A/2 only show his requests for appointment as a  
postman. Annexure A/3 and Annexure A/4 are his  
grievances for not continuing him in the post. No  
appointment order is produced. The matter is admitted  
and by consent of learned advocates, it is disposed of  
finally. The respondents have filed reply.

4. The contention of the respondents are  
that the applicant was appointed as substitute whenever  
some one went on leave and it was a stop gap arrangement  
till the formalities of regular appointment were  
completed. They have denied that the applicant was  
regular EDA and therefore according to them, it was  
not necessary to terminate his service because the

the applicant was a substitute. The respondents have denied that the applicant had worked for 240 days as alleged by him. It is contended that one Mr.M.C.Vyas, who was serving as EDA had gone on leave and in his leave period, applicant worked as substitute. The respondents have not disputed that one Shri B.T. Devgania is working as EDA in Vasavad post office. It is contended by the respondents that the applicant is neither entitled to be continued on the post nor entitled to the regularisation as he was not/regularly selected employee, according to the rules and regulations of the department and there was no question of violation of articles 14,16 of the Constitution of India or section 25 G of I D Act.

5. Learned advocate Mr.Gogia for the applicant submitted that the applicant should be regularised by the respondents because the applicant has worked for more than 240 days as EDA with the respondents, while the learned advocate Mr.Akil Kureshi for the respondents submitted that the applicant was not appointed as a EDA but he was working as 'substitute' being a stop gap arrangement in leave vacancy and therefore, when a regular appointment was made after calling names from employment exchange and there is no illegality committed by the respondents He ~~is~~ submitted that it is the mandatory rule that the respondents have to get the names sponsored through the employment exchange.

6. Learned advocate Mr.Gogia, ultimately submitted that the only request of the applicant is that the respondents should consider his case in future in the vacancy of post man or for the post of this nature in Gondal division, if he is eligible for that post. Learned advocate Mr.Kureshi submitted that the respondents will consider his case in future if he is eligible . Hence, we pass the following order.

7.

ORDER

The respondents are directed to consider the case of the applicant for appointment as a postman or EDA or for the like post as and when in future such vacancy arises in Gondal division, provided the applicant satisfies eligibility criteria for such post. The respondents may also consider to give due weight to the past service of the applicant as substitute EDA performed by him. The application is disposed of accordingly. No order as to costs.

M.R.Kolhatkar

( M.R.Kolhatkar )

Member (A)

R.C.Bhatt

( R.C.Bhatt )

Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

- Application No. 081/142/93 of 19

Transfer Application No. \_\_\_\_\_ Old W. Pett. No \_\_\_\_\_

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 23/07/93

Countersigned :

*W. H. Khan / 1983*

<sup>128</sup>  
Signature of the Dealing  
Assistant

Section Officer/Court officer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT AHMEDABAD BENCH

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CAUSE TITLE 09/142/93 OF 19

NAMES OF THE PARTIES T.B. Niumjani

## VERSUS

U. of T. & ORS.

PART A B & C