

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

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

DATE OF DECISION 6th July, =1993

Shri Janakdas B.Niranjani Petitioner

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

Versus

Union of India & ors. Respondent

Mr.Akil Kureshi 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 ? X
3. Whether their Lordships wish to see the fair copy of the Judgement ? X
4. Whether it needs to be circulated to other Benches of the Tribunal ? X

...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 Dadbhai Chauhan,
EDA, Vasavad Branch Post Office,
Gondal Division,
Vasavad

.... Respondents

Advocate Mr. Akil Kureshi

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 Kureshi,learned advocate for
the respondents.

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

...3...

...3...

in Vasavad Branch Post office from 4th January, 1991 to 5th December, 1991 and ^{re} 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 benefits 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^{re} 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^a regularly selected employee, according to the rules and regulations of the department and there was no question of violation of ~~article~~ 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)

ssh

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Application No. OA/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 :

1281
Signature of the Dealing
Assistant

6/8/93
17/8/93
Section Officer/Court officer

INDEX SHEET

NAMES OF THE PARTIES J. B. Ninunjani

U. of T. 8078.

[illegible]