

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

O.A. No. 634/93  
F.A. No.

DATE OF DECISION 11/11/1993

Shri Kishorkumar Shantilal Pandya Petitioner

Mr.K.C.Bhatt Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr.Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.N.B.Patel : Vice Chairman

The Hon'ble Mr.V.Radhakrishnan : Member (A)

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 ?

7/13

Shri Kishorkumar Shantilal Pandya,  
E.D.B.P.M.  
P.A.Vioter Via. Dungar  
Taluka Rajula, Saurashtra.  
(Advocate: Mr.K.C.Bhatt)

: Applicant

Versus

1. Union of India  
Through:  
The Director General,  
Department of Posts  
Ministry of Communication  
Dak Bhavan Sansad Marg,  
New Delhi-110 001.
2. The Postmaster General,  
Rajkot Region, Rajkot-360 001.
3. The Superintendent of Post Offices,  
Amreli Division,  
Amreli 365 601.
4. Shri P.C.Joshi,  
at P.A.Victar Via.Dungar  
(Saurashtra).

(Advocate: Mr.Akil Kureshi)

ORAL JUDGMENT

O.A.634/93

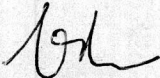
Date:11/11/1993


Per: Hon'ble Mr.N.B.Patel : Vice Chairman

By the order Annexure R-1, the applicant was appointed provisionally and on <sup>ad hoc</sup> basis <sup>since</sup> ~~as~~ the regular incumbent of the post of Extra Departmental Branch Postmaster had resigned and it was not possible to make regular appointment to the post immediately. The appointment order of the applicant states, in clear terms, that the provisional appointment of the applicant will be terminated when regular appointment is made. Further, ~~the~~ right to terminate the provisional appointment of the applicant <sup>even</sup> before the aforesaid stage arrives is also reserved. The reply filed by the respondents clearly shows that

selection process was undertaken after the applicant was appointed on ad hoc basis and, at the said selection process, the claim of the applicant for regular selection was also considered <sup>but</sup> he was not selected and one Mr. P.C. Joshi is selected vide the order Annexure A-3. The case with which the applicant has come forward is that Mr. P.C. Joshi is also selected not in a regular way but on an ad hoc basis and, therefore, his substitution by another candidate selected on ~~an~~ ad hoc basis is illegal. It is true that the appointment order Annexure A-3 of Mr. P.C. Joshi is also in the same terms as is the appointment order of the applicant. However, the reply makes it clear that it is only through an error that the same form is used for issuing the order appointing Mr. P.C. Joshi. It is stated in the reply that regular selection process was undertaken at which the applicant was also considered but it was Mr. P.C. Joshi who was selected. In the reply it is stated that, in fact, the order by which Mr. P.C. Joshi is appointed should have stated that his appointment was provisional only in the sense that the certificates produced by him were required to be verified. The reply makes it clear that, in all respects, Mr. P.C. Joshi is a regularly selected candidate for the post which is lying vacant and that his appointment was not <sup>a</sup> <sub>L</sub> ment to be on an ad hoc basis i.e. on the same terms on which the appointment of the applicant is made. When confronted with this situation, Mr. Bhatt states that the applicant was, in all respects, eligible for selection to the post whereas, Mr. P.C. Joshi was not eligible to be appointed. If the

applicant wants to challenge the selection process on any such ground, it would be an entirely different cause of action. Mr.Kureshi states that the mistake committed while issuing appointment order of Mr.P.C.Joshi will be rectified as soon as possible. In these facts, we find that the application has no merit and is liable to be rejected in limine and accordingly it is rejected.

  
(V.Radhakrishnan)  
Member (A)

  
(N.B.Patel)  
Vice Chairman

a.a.b.