

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 486 of 1989

Date of Decision: 12.2.1992.

Versus

Union of India & others Respondents

For the applicant M/s.B.Nayak,
D.Behura,
Advocates

For the respondents M/s.A.K.Mishra,
Standing Counsel
(Central Government)

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C O R A M

HON'BLE MR .K .P .ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MISS USHA SAVARA, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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IV

JUDGMENT

MISS USHA SAVARA, MEMBER (ADMINISTRATIVE), This original application has been filed by Shri Bahadul Pande with the prayer that Annexure A/3, Annexure-A/4 and Annexure-A/5 passed by the respondents No.4 be quashed and an order of fresh selection for the post of E.D.B.P.M., Bankipalli be made.
applicant

2. The ~~1~~ had been working as E.D.B.P.M. from 31.3.1989 at Bankipali Post Office, under Dungeripali S.O., Bolangir, when the respondents called for candidates for regular appointment; the applicant also applied, and submitted all certificates. However, the Resp.No.4 selected Resp No.6 for the post. By order dated 23.10.1989, the Resp.No.4 that is, the Sub-Divisional Inspector (Posts) Offices, Bolangir appointed Lokanath Kumbhar and terminated the appointment of the applicant (Annexure-A/3). Annexure-A/4 is letter dated 31.7.1989 by which Lokanath Kumbhar was informed that he has been provisionally selected as E.D.B.P.M., Bankipalli, and he was directed to produce his original certificates for verification, copy marked to the applicant. Annexure-A/5 is the letter terminating the adhoc appointment of the applicant with immediate effect. All these orders have been impugned by the applicant.

3. Mr. B. Nayak, learned counsel for the applicant submitted that the appointment of the applicant was not provisional and he should have been confirmed in the post. The past experience of the applicant has not been considered and therefore the appointment of Respondent No.6 is illegal and arbitrary. The applicant continued to work without a break, and had more income than Respondent No.6, and

therefore he should have been regularised in the post. In view of these facts, Shri Nayak submitted that the impugned orders be quashed and the applicant be appointed as E.D.B.P.M., Bankipalli.

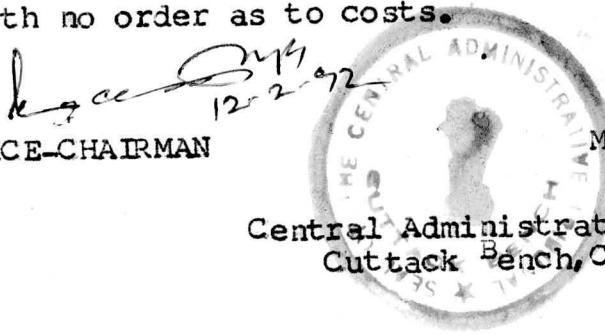
4. For the Respondents Mr.A.K.Mishra, learned counsel appeared and drew our attention to R-1 being letter dated 31.3.1989 by which the applicant was given an adhoc appointment till such time as regular appointment is not made for the post. The Branch Post Office at Bankipalli was only sanctioned on 31.3.1989 and since it was not possible to select an E.D.B.P.M. immediately due to departmental formalities, the applicant was appointed as an adhoc measure. Subsequently the local Employment Exchange was asked to sponsor candidates for the post and 10 candidates were sponsored. Only two candidates applied for the post; the applicant and Shri Lokanath Kumbhar. Since Shri Lokanath fulfilled all the requisite conditions for the post, he was selected for the post. Both the candidates were ^{from} the Scheduled caste, but Shri Lokanath Kumbhar is a matriculate, whereas the applicant had failed in Xth Class. Therefore Shri Lokanath was selected for the post. The selection was made by Respondent No.3 who is the competent authority and is legal and correct. The applicant had made a representation on 24.10.1989 and the same was considered before asking the applicant to handover the charge to Respondent No.6. It was submitted by Shri Mishra that there was no provision in the departmental rules

to take into consideration past experience of any candidate at the time of selection.

5. We have heard the learned counsel and have perused the annexures filed by them. It is obvious that the applicant was only given an adhoc appointment on 31.3.1989. It is also clear that he was also considered for appointment to the post alongwith the other candidate. The applicant has no right to the appointment, he only has a right to be considered for the appointment. Even he does not deny that he was duly considered for the post, his only grievance is that his past experience was not given due weightage. Since the provisions of the Act do not provide for taking into consideration the past experience of the candidates, no weightage was given for that. The fact that the other candidate was a matriculate weighed more with the authorities, and since he also had adequate income and belonged to the village, he was selected for the post. The appointment was made as per departmental rules, and we see no reason to quash the impugned orders.

6. In the circumstances, we hold that the orders were legal and proper and have to be sustained. The application is dismissed as being without any merit, but with no order as to costs.

VICE-CHAIRMAN



MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench, Cuttack

/Sahoo

U. Law 12.2.92