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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of Order : 26.05.2003

O.A. NO. 18/2003

Thana Ram S/o Shri Bhanwar Lal, aged about 22 years, Resident of Village and Post Juna Lakhwaha, Tehsil Chohtan, District Barmer, at present employed on the post of BPM, Under the Superintendent of Post Office, Barmer.

.....Applicant.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Barmer Division, Barmer.
3. The Director of Postal Services, O/O the Post Master General Rajasthan, Western Region, Jodhpur.
4. Inspector of Post Office, Chouhatan Post Office, Chouhatan, District Barmer.

.....Respondents.

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Mr. B.Khan, counsel for the applicant.

Mr. Vineet Mathur, counsel for the respondents.

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CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. G.C. Srivastava, Administrative Member

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ORDER

[Per Mr. Justice G.L. Gupta]

The termination order Annexure A/1 dated 15.1.2003 is under challenge in the instant O.A.

2. The applicant was initially appointed on the post of Extra



Departmental Branch Post Master (EDBPM), Village and Post Juna Lakhwara, District Barmer on 1.11.2001 and he was given the charge of the post on the same date. In order to make regular appointment, respondent No. 2 invited applications from the eligible candidates. The post was meant for Scheduled Tribe candidates. The applicant also applied for the post. It is averred that as a result of the selection, merit list was prepared and applicant was placed at Sl. No. 1. However, appointment order was not issued and with great difficulty, the 2nd respondent issued the order dated 30.4.2002 appointing the applicant on provisional basis. Thereafter, it is stated, the applicant discharged his duties to the entire satisfaction of the respondents yet, his services have been terminated vide order Annexure A/1.

2.1. The say of the applicant is that the appointment of the applicant should be treated as regular, as he has performed the duties of a regularly appointed person. It is averred that the applicant has been rendered job less without following the principles of natural justice. The termination order is alleged to be mala fide and arbitrary.

3. In the counter, the respondents' case is that the applicant was asked to take charge on 31.1.2002 as a stop gap arrangement after Shri Ramesh Kumar, BPM, resigned from the post. Thereafter, the applications were invited for filling up the post but, only one person was found to be eligible for the post and, therefore, the second notification was issued but then also, no other candidate was found eligible. Meanwhile, the Instructions regarding re-deployment and diversion of surplus staff, were received from New Delhi vide letter dated 21.10.2002 and, therefore, the provisional appointment of the applicant vide order dated 30.4.2002 has been terminated.




4. We have heard the learned counsel for the parties and perused the documents placed on record.

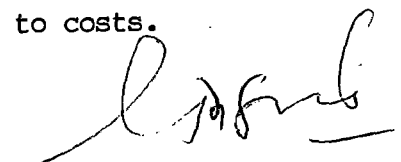
5. It is evident that the appointment of the applicant vide order dated 30.4.2002 was on provisional basis. It was not a regular appointment. Though, applications had been invited for making regular appointment but, as the sufficient number of eligible candidates were not available, the applicant was given appointment on provisional basis.

6. The termination order has been passed on 15.1.2003. By that date, the applicant had put in about 8 and a half months service. He did not have a right to continue on the post as he had not completed three years of service. His services could be terminated under Rule 8 of the Gramin Dak Sevaks (Conduct and Employment) Rule, 2001, after giving one months' notice or one months' notice pay. In the instant case, applicant's services have been terminated after paying the Pay of the notice period. Therefore, no illegality is seen in the impugned order.

7. Though, it is averred that the termination order has been issued due to mala fides or for extraneous reasons, but on record there are no facts which constitute the mala fides of the respondents or on which the order of termination can be said to have been issued for extraneous reasons.

8. Having considered the entire material on record, we find no merit in this O.A. and dismiss it. No order as to costs.


(G.C. Srivastava)
Administrative Member


(G.L. Gupta)
Vice Chairman

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29/3/07

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Part II and III destroyed
in my presence on 18-8-08
under the supervision of
section officer (J) as per
order dated 27-2-08

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Section officer (Records)