

I/6

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR.

Original Application No. 162/2002

Kishan Lal Jat
S/o Shri Panna Ji Jat
r/o : Village & Post
Pitha-ka-Khera
via Raipur
Bhilwara Dist. : Applicant.

rep. by Mr. T.N. Prasad for
Mr. P.S. Bhati : Counsel for the applicant.

-versus-

1. Union of India through the
Secretary, Ministry of Postal
and Communication,
Government of India
Dak Bhawan,
New Delhi.
2. The Superintendent of Post Office,
Bhilwara Distt.
Bhilwara.
3. Assistant Superintendent
Head Post Office,
Bhilwara, West Division,
Bhilwara. : Respondents.

rep. by Mr. S.K. Vyas : Counsel for the respondents.

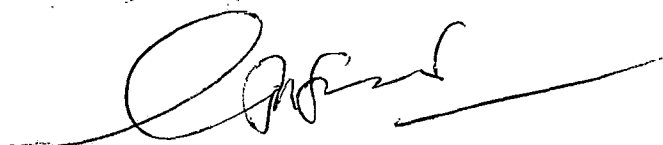
CORAM : The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman
The Hon'ble Mr. A.P. Nagrath, Administrative Member.

Date of the order: 3.12-02

Per Mr. Justice G.L.Gupta

ORDER

The applicant challenges the order Annex. A.1
dated 3.6.2002, whereby he was directed to hand over
charge of the post of EDBPM, Pitha Ka Khera to the

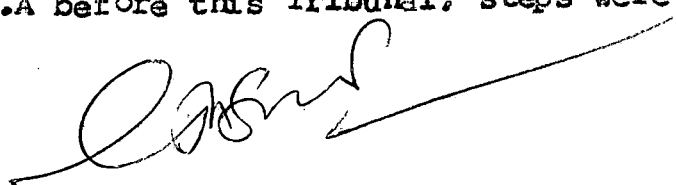
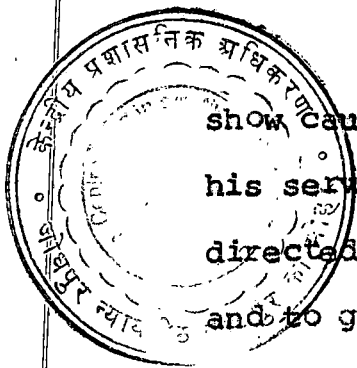


new incumbent.

2. It is averred that the applicant being Senior Higher Secondary passed candidate, is fully eligible for the post of Sakha Dakpal. He submitted his application for the post of Sakha Dakpal, Pitha Ka Khera on 21.10.99 and out of 7 candidates, he was selected for the post on ad hoc basis and joined his duty on 27.10.99. It is further stated that he performed his duties with the best of his sincerity and capacity to the utmost satisfaction of the superior officers, yet the respondents passed the order dated 3.6.2002, (Annex.A.1) which has the effect of termination of his services. It is averred that the order is arbitrary.

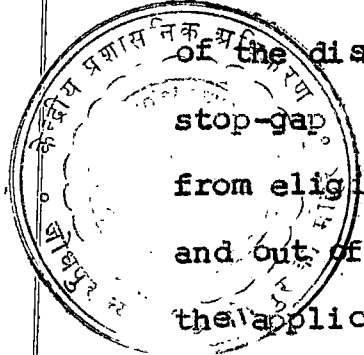
The grievance of the applicant is that no show cause notice was issued to him before terminating his services. It is prayed that the respondents be directed to allow the applicant to continue in service and to give him regular appointment to the post of Sakha Dakpal, Pitha Ka Khera.

3. In the reply the respondents' version is that the applicant was engaged purely on temporary basis on the post of EDBPM, Pitha Ka Khera, which was vacated by one Shri Shyam Lal Vaishnav, who had been dismissed from service. It is averred that the said Shyam Lal Vaishnav challenged the order of dismissal before this Tribunal and during the pendency of the O.A before this Tribunal, steps were taken to

to hold regular selection for the post of EDBPM, Pitha Ka Khera. It is stated that one Banwari Lal Mali was selected and he was ordered to take charge of the post of EDBPM Pitha Ka Khera, but the applicant had refused to hand over charge of the post to him. It is stated that the applicant was never appointed to the post on regular basis and he has no right to continue on the post.

4. We have heard the learned counsel for the parties and perused the documents placed on record. The applicant has not filed any order appointing him as EDBPM Pitha Ka Khera on a regular basis. The case for the respondents is that because of the dismissal order of the permanent incumbent, stop-gap arrangement was made by calling applications from eligible candidates through local notification and out of 7 candidates who appeared for interview, the applicant was given appointment on adhoc basis till selection was made on regular basis. It may be pointed out that even it is the case for the applicant that this appointment was purely on adhoc basis.

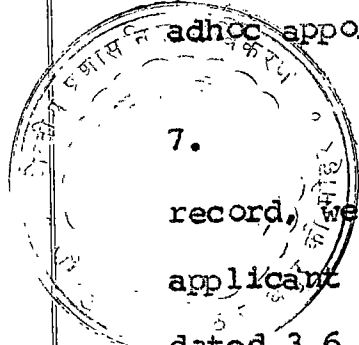


5. It is noticed that process for selection for the post of EDBPM, Pitha Ka Khera, on regular basis was initiated vide notification dated 6.8.2001 (Annex. R.1) It is not stated by the applicant that he had also participated in the selection process. It appears that the applicant did not submit his application

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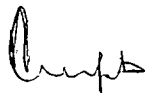
for the post in response to the notification dated 6.8.2001. When the applicant has not applied for the post in response to notification dated 6.8.2001 (Annex. R.1) he had no locus standi to question the selection of Shri Banwari Lal Mali.

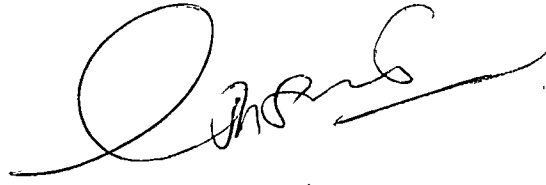
6. The applicant had not been given appointment in the year 1999 on a regular basis. Therefore he had no legal right to hold the post. It is not material that the applicant has worked for more than two years as EDBPM, Pitah Ka Khera to the satisfaction of the authorities. Also the experience gained by him on adhoc basis does not entitle him for regularisation on the post. No rule envisaging regularisation of adhoc appointee has been brought to our notice.



7. Having considered the entire material on record, we find no merit in this application. The applicant has no right to challenge the order Annex. A.1 dated 3.6.2002. Consequently, the application is dismissed.

8. No order as to costs.


(A.P. Nagrath)
Administrative Member


(G.L.Gupta)
Vice Chairman

jsv.