

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.OA 666 of 97

Date of order : 3.1.2005

Present : Hon'ble Mr.A.V.Haridasan, Vice-Chairman(J)  
Hon'ble Mr.G.R.Patwardhan, Administrative Member

ASIT ADHIKARY

VS

UNION OF INDIA & ORS.

For the applicant : None

For the respondents: Mr.B.K.Chatterjee, counsel

O R D E R

A.V.Haridasan, VC(J)

The applicant who was engaged as a daily rated mazdoor to manage the work of EDDA as a stop-gap arrangement till the regular selection and absorption has filed this application for the following reliefs :

- a) to direct the respondents to give appointment to the applicant to the post of Extra Departmental Delivery Agent at Parbangla Post Office in terms of the notice issued therefor and the interview letter contained in Annexure 'D' hereof, in no time.
- b) to direct the respondents not to terminate the services of the applicant and to allow him to discharge the duties and functions at Parbangla Post Office as usual without any interference in any manner whatsoever and further directing the respondents not to discharge the applicant from the post now held by him.
- c) to direct the respondents to produce all records of the case for conscionable justice.
- d) to pass such further or other order or orders as to your Lordships may seem fit and proper.

2. The respondents have filed a statement opposing the grant of relief stating that he did not satisfy the eligibility criteria and another person, more meritorious, has been selected for the post and that the applicant does not have any right to claim appointment.

3. We did not have the privilege of hearing the applicant or his counsel. However, we have gone through the pleadings and heard the ld.counsel for the respondents. We find that the applicant who had been engaged as a stop gap arrangement to work as EDDA pending regular selection has no right to claim regularisation. His engagement being a stop gap arrangement on regular selection he has to give way to the selected candidate. The respondents contention that a more meritorious