

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA.

O.A.NO.: 523/96.

Date of decision : 26-JUNE-2000.

Madheshwar Prasad Singh, son of Shri Hira Lal Yadav,
resident of village : Haibaspur, P.O.: Saidabad, P.S.:
Bikram, District : Patna.APPLICANT.
BY Advocate :- Shri S.N.Tiwary.

Vs.

1. The Union of India through the Secretary, Government of India, Ministry of Communication, Department of Posts, New Delhi-cum-The Director General, Department of Posts, India, New Delhi-110 001.
2. The Chief Postmaster General, Bihar Circle, Patna-800 001.
3. The Director of Postal Services, Patna Region, Patna-800 001.
4. The Sr. Superintendent of Post Offices, Patna Division, Patna-800 004.
5. The Assistant Superintendent of Post Offices, South-West Sub-Division, Patna-800 001.RESPONDENTS.
By Advocate :- Shri V.M.K.Sinha, SSC.

6. Shri Ashok Kumar Suman, son of Shri Dasharath Prasad, vill. & P.O.: Kanchanpur, via.: Bihta, District : Patna, EDDA, P.O.: Saidabad, P.S.: Bikram, District : Patna.PVT. RESPONDENT.

C O R A M

HON'BLE MR. JUSTICE S.NARAYAN, VICE-CHAIRMAN.
HON'BLE MR. L.R.K.PRASAD, MEMBER [ADMINISTRATIVE].

ORDER DICTATED IN COURT

S.NARAYAN,V.C.:- The applicant herein has impugned an order dated, 14th June, 1996, whereby, the pvt. respondent no.6, namely, Ashok Kumar Suman, has been appointed by the Asstt. Superintendent of Post Offices, Patna [Respondent no.5], on the post of Extra-Departmental Delivery Agent [for short, EDDA] of Saidabad Branch Office, district Patna. It was further prayed that the respondents be directed to appoint the applicant on the aforesaid ^{post} replacing the pvt. respondent no.6.

2. A question has, therefore, been posed whether, the appointment of respondent no.6 [Ashok Kumar Suman] was liable to be quashed so as to accommodate the applicant on the said post ?

3. Admittedly, the applicant and the respondent no.6 [Ashok Kumar Suman], both had been sponsored by the concerned Employment Exchange for selection to the post of EDDA, Saidabad, and both of them participated in the selection process and, as a result thereof, it was the respondent no.6, who was favoured with appointment by an order dated, 14th June, 1996, as at Annexure-A/1. As to why the respondent no.6 was given preference to the applicant, we get a clear answer on the record that both of them having the eligibility criteria to the post, it was ultimately found that the respondent no.6 had obtained higher marks in the matriculation standard as compared to that of the applicant. That being amply demonstrated on the record, we do not find anything wrong with the appointment of the respondent no.6.

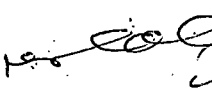
4. However, learned counsel appearing on behalf of the applicant has ventilated a grievance to the effect that the applicant had earlier been selected on the aforesaid post by an order dated, 26th September, 1987, of the respondents authority and he had already joined the post as such on 12th October, 1987, subsequent to which a regular appointment letter had been issued by an order dated, 20th October, 1987, of the respondents, as at Annexure-A/6. We have very carefully perused all these orders which, of course, depict that the applicant had once been selected and appointed to the aforesaid post, but the fact remains that it was a provisional appointment made for a short term vacancy due to the deputation of the permanent incumbent thereof, namely, Ghanshyam Prasad Gupta, who had been deputed on the post of Postman cadre at G.P.O., Patna, for a limited period. It has been made very much clear to the applicant while being selected as such, that the appointment was

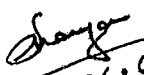
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provisional and limited for the period of ~~deputation of~~ the permanent incumbent, namely, Ghanshyam Prasad Gupta. It was in the light of such nature of appointment that the applicant had to vacate the post w.e.f. 14th January, 1993, i.e., much prior to the selection process initiated for appointment against which the respondent no.6 was ultimately appointed. We are of the view that the provisional appointment made available to the applicant will not give any sort of right so as to defeat the claim of respondent no.6, who was selected in due course of selection process.

5. Learned counsel for the applicant has drawn our attention to the guideline of DGP&T, as contained in its letter dated, 18th May, 1979, which speaks that efforts should be made to give alternative employment to ED Agents who are appointed provisionally and, subsequently, discharged from service due to administrative reasons. This was the point which the applicant should have ventilated at the time when his provisional appointment was terminated with making over charge on 14th January, 1993. This aspect of the matter can not be co-related with the selection process initiated afresh for regular appointment in which the applicant also did participate.

6. For the reasons, aforesaid, we do not find any merit in the instant OA and, accordingly, it is dismissed. It shall be, however, open for the applicant to offer his ~~condonation~~ and when any vacancy occurs asserting his claim based on his past experience for due consideration in accordance with law. There shall be no order as to costs.


[L.R.K. PRASAD]
MEMBER [A]


[S. NARAYAN]
VICE-CHAIRMAN