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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 79/87 & O.A.269/87 199

T.A. NO: ----

DATE OF DECISION 12-2-1992

1. Bhimrao Dadu Gavli and one another applicants in O.A.79/87  
2. A.I.P.E.Union and one another Petitioner in O.A.269/87

Mr.G.G.Adam, Asstt. Secretary, Advocate for the Petitioners  
A.I.P.E.U.

Versus

Union of India and others Respondent

Mr.V.M.Bendre for Mr.P.M.Fradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr.M.Y.Friolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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MD

(U.C.SRIVASTAVA)

Seen & Ready for  
distortion

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(M)  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.79/87 & O.A.269/87

1. Bhimrao Dadu Gavli,  
Worli BDD Chawl No.93/17,  
Worli,  
Bombay - 400 018.
2. Mangesh Vishnu Kadam,  
6/90, Sai Sadan,  
Saibaba Road, Parel,  
Bombay - 400 012.

.. Applicants in  
O.A.79/87

vs.

1. Union of India  
through  
Post Master General,  
Maharashtra Circle,  
G.P.O., Bombay - 400 001.
2. Senior Superintendent of  
Post Offices,  
North Division,  
Vile Parle,  
Bombay.
3. Post Master,  
Malad(E)  
Post Office.

.. Respondents in  
O.A.79/87

O.A.269/87

1. All India Postal Employees  
Union(Postmen, Class-IV &  
EXAs), Bombay City Branch,  
13, Krishna Kunj, 3rd Floor,  
Gokhale Road(South) Dadar(W),  
Bombay - 400 028.
2. Rajendra Gokul Patil,  
Bhatewadi, College Lane,  
D.C. Babarekar Marg,  
Behind Maya Bldg,  
Dadar(W),  
Bombay - 400 028.

.. Applicants in  
O.A.269/87

vs.

1. Union of India  
through  
The Postmaster General,  
Maharashtra Circle, GPO,  
Bombay - 400 001.
2. Postmasters - Kalbadevi/Jacob  
Circle, Parel, /Andheri(E),  
Andheri(W)/Sewri/Bandra(E)/  
Santacruz(W)/Vile Parle(E)/  
Grant Road/Malabar Hill/  
Cumballa Hill/Ghatkopar(W)/  
Mandvi/General Post Office,  
Bombay.

.. Respondents in  
O.A.269/87

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Coram: Hon'ble Shri Justice U.C.Srivastava  
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.G.G.Adam,  
Asstt.Secretary,  
All India Postal  
Employees Union  
for applicants.
2. Mr.V.M.Bendre  
for Mr.P.M.Pradhan  
for the respondents.

ORAL JUDGMENT:

Date:12-2-1992

(Per U.C.Srivastava,Vice-Chairman)

As a common question arises in these two cases, they are being disposed of together. Some of the applicants including the Secretary, All India Postal Employees Union who is one of the applicant in O.A.269/87 is present in person. Heard Mr.V.M.Bendre holding the brief of Mr.P.M. Pradhan for the respondents. O.A.79/87 has been filed by two individuals and the other application has been filed by one individual along with All India Postal Employees Union.

2. These applications are directed against the termination order by which the services of Postmen and other Class IV employees known as outsiders and who have been completed two years of service ~~xxx~~ though with breaks were terminated. However, by way of an interim order of the Tribunal they ~~are~~ still continue to hold the posts. From the year 1980, it appears that in the exigencies of situation, the applicants were engaged on daily wages on short term vacancies on account of leave vacancy etc. and as and when vacancies arose they <sup>wee</sup> allowed to continue to ~~te~~ work as such but they were not appointed as regular employees of the department. The recruitment of

Postmen and various other employees is a continuous process and only approved candidates are appointed against clear vacancies after examination. The applicants ~~who~~ were appointed as outsiders without undergoing the process of any examination. On the basis of the rules in existence the outsiders are not entitled to be absorbed as permanent employees and no benefits of the permanent employees were given to them. It appears that subsequently an examination took place and these applicants appeared in the said examination but in view of the interm order passed by this Tribunal the result of the same was not declared.


3. As now the applicants who are working as per rules appeared for the examination there appears to be no reason why the results of the examination should not be declared. In case some of them or all of them had ~~been~~ passed obviously <sup>they</sup> ~~they~~ will become entitled for regularisation but <sup>if</sup> some of them have not passed they will be given yet another opportunity to appear in the said examination. Of course otherwise the applicants cannot claim any right to hold the post.

4. Accordingly the applications are disposed with a direction that the results of the examination which has already taken place be declared and those who have passed in the examination may be regularised. For those who have failed in the examination they may be given yet another opportunity to appear for the examination and so long as they are not given another chance their services will not be

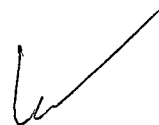
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terminated unless qualifying<sup>ied</sup> candidates are  
available. With the above observation these  
two applications are disposed of with no order  
as to costs.



(M.Y. PRIOLKAR)  
Member(A )



(U.C. SRIVASTAVA)  
Vice-Chairman

MD