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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 122/88

Transfer Application No:

DATE OF DECISION 18.2.1993.

Shri D.R.Kulkarni. Petitioner

Shri E.K.Thomas. Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri P.M.Pradhan. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri S.K.Dhaon, Vice-Chairman,

¶ The Hon'ble ~~Shri~~ Ms.Usha Savara, 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 ?

(S.K.DHAON)
VICE-CHAIRMAN.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH,
B O M B A Y

Original Application No.122/88.

Shri D.R.Kulkarni.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri S.K.Dhaon,
Hon'ble Member(A), Ms. Usha Savara.

Appearances:-

Shri E.K.Thomas for the applicant.

Shri P.M.Pradhan for the respondents.

Oral Judgment:-

[Per Shri S.K.Dhaon, Vice-Chairman] Dated: 18.2.1993.

The principal relief claimed is that this Tribunal may declare that the applicant was appointed on 22.7.1982 as a Postal Assistant. A reply has been filed on behalf of the respondents. Counsels for the parties have been heard.

2. The documents filed by the applicant to show that he was treated as a regularly appointed Postal Assistant w.e.f. 31st December, 1984. Earlier, he was given a short training and he was also given a posting for a short term. The reply filed by the respondents is this. Under the scheme as contained in the letter dt. 30.10.1980 of the Dy. Director General (P), DGP&T, New Delhi (Annexure R-I) a reserve pool was prepared in the year 1981. The applicant was considered for being included in that pool. He was not selected on regular basis, he was not even found fit to be placed in the reserved list. However, he was placed in the surplus list and ^{there} that too his ranking was quite low. According to the

respondents, this surplus list had been irregularly prepared, as the same was not ^{included} ~~invalid~~ in the scheme of above mentioned. This part of the case of the respondents is not inconsistent with the documents filed by the applicant himself. Be that as it may, the applicant was treated as regularly appointed Postal Assistant in the year 1984 and the respondents agree to this position. There is no material on record to enable us to record a finding that the applicant was appointed on regular basis in the year 1982. In fact, we may point out that the letter of 31st December, 1984, upon which the applicant himself relies, at the fag end states that the applicant and others mentioned in the said letter were given their post for the first time. Thus we come to the conclusion that the applicant cannot get the declaration sought for.

3. Learned counsel next urged that he should be placed on par with one Shri Dahiwadkar another Postal Assistant. Although there is no such pleading under the relief clause, we have considered this aspect of the case, as well and we find that the specific ^{overment} ~~submission~~ made on behalf of the respondents in para 5 of their reply that Shri Dahiwadkar was regularly selected in the year 1981 and his name found place in the select list has not been controverted in the rejoinder affidavit filed. We have therefore, no option, but to accept the case set out by the respondents that Shri Dahiwadkar was appointed on regular basis in the year 1981 or 1982 at the latest, whereas, the applicant was appointed on regular basis on 31st December, 1984. Question, therefore, whether the applicant can be placed on par with Dahiwadkar does not arise.

4. The applicant is not liable to any relief.
The application is dismissed without any order as to costs.

U. Lawrence
18.2.93

(USHA SAVARA)
MEMBER(A)

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(S.K.DHAON)
VICE - CHAIRMAN

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