

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

ORIGINAL APPLICATION No. 752 OF 1989.

Shri Subhash P. Dalvi,
Branch Post Master,
At & Post Talgaum,
Dewoolwadi, Tal: Malvan,
District: Sindhudurg.

... Applicant

V/s.

Union of India, through
The Superintendent of Post Offices,
Taluka Malvan,
District: Sindhudurg.

... Respondent

Coram: Hon'ble Member(J), Shri M.B. Mujumdar
Hon'ble Member(A), Shri P.S. Chaudhuri

Appearances:

Mr.C.Nathan, advocate
for the applicant and
Mr.S.R.Atre, advocate for
the respondents.

ORAL JUDGMENT:

Dated: 20.11.1989.

(Per Shri M.B. Mujumdar, Member(J))

Heard Mr.Nathan for the applicant and Mr.S.R. Atre (for Mr.P.M.Pradhan) for the respondents. Mr.Atre also produced before us the xerox copies of the relevant office orders and the relevant record.

2. One Mr.M.K.Gurav was to retire from the post of Branch Post Master at Talgaon, District Sindhudurg. Hence by letter dt. 8.11.1988 applications were called for for that post. The applicant applied for that post and his application was received in the office of the Superintendent of Post Offices at Malvan on 22.11.1988, but, as final selection was likely to take some time, by letter dt. nil a provisional appointment order was issued to the applicant ^{u/sd, d/sd} reads as under:

"1. Whereas the post of Extra Departmental Branch Post Master, Talgaon has become vacant and it is not possible to make

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regular appointment to the said post immediately the undersigned has decided to make provisional appointment to the said post for a period of from 6.12.88 A/N or till regular appointment is made whichever period is shorter.

2. Shri Subhash P.Dalvi is offered the provisional appointment. He should clearly understand that the provisional appointment will be terminated when regular appointment is made and he shall have no claim for the appointment to any post.
3. The undersigned also reserves the right to terminate the provisional appointment at any time before the period mentioned in para 1 above without notice and without assigning any reason.
4. Shri Subhash P.Dalvi will be governed by the Extra Departmental Agents (Conduct & Services) Rules, 1964 as amended from time to time and all other rules & orders applicable to extra Departmental Agents.
5. In case the above conditions are acceptable to Shri Subhash P.Dalvi he should sign the duplicate copy of this Mem& and return the same to the undersigned immediately".

It is clear that as per condition No.1 the applicant was appointed from 6.12.1988 A.N. till a regular appointment was made. The applicant took charge of that post on 7.12.1988.

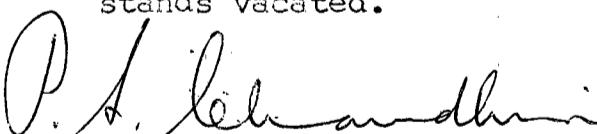
3. It appears that in all 7 persons, including the applicant, were called for interview for the post on 5.8.1989. Out of them 4, including the applicant, appeared for interview on that day and one Mr.Dattatraya Vasudeo Dalvi was recommended for that post. We may point out from the record that Mr.Dattatraya Vasudeo Dalvi has passed 12th Standard while the applicant has passed 9th Standard. We are told that the said Dattatraya Vasudeo Dalvi was sent for 4 days training and now he has completed his training. But so far no appointment order is issued in his name.

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4. Probably knowing that he was not selected, the applicant submitted a representation dt. 5.9.1989 stating that he was being discontinued as Post Master with immediate effect and a totally new person was being appointed. That representation was rejected by letter dt. 13.9.1989 pointing out that the applicant's appointment was of a temporary ^{in the order of appointment} nature and it was mentioned therein that his appointment was temporary and liable to be terminated without notice.

5. It is clear that the applicant's grievance is regarding his non-selection by the selection committee. He has not at all mentioned in the application before us that he had applied for the post earlier, that he was interviewed for it on 5.8.1989 and that some other person, namely, Dattatraya Vasudeo Dalvi, was recommended for selection and sent for 4 days training. As the applicant was working as Extra Departmental Branch Post Master he must be aware of all these facts but he has suppressed these facts. If he had mentioned all these facts, we might not have passed the interim order which we passed on 8.11.1989. In result, we find that the applicant has ~~not~~ case whatsoever.

6. Hence the application is rejected summarily under section 19(3) of the Administrative Tribunals Act, with no order as to costs. The interim order passed on 8.11.1989 stands vacated.


(P.S. CHAUDHURI)
MEMBER(A)


(M.B. MUJUMDAR)
MEMBER(J)