

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

O.A. NO: 641/89

199

T.A. NO:

DATE OF DECISION 9.3.1992

S.N. Meshram

Petitioner

Mr. S.D. Malke

Advocate for the Petitioners

Versus

Sr. Supdt. of P.O. & 2 Ors.

Respondent

Mr. Ramesh Darda

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, V/C

The Hon'ble Mr. M.Y.Priolkar, M (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 ?

mbm*

U.C.Srivastava)
V/C

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
 BOMBAY BENCH, BOMBAY
 CAMP AT NAGPUR
 * * * * *

Original Application No. 641/89

S.N. Meshram ... Applicant

V/s

Union of India & Ors. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava
 Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. S.D.Malke, Advocate
 for the applicant and
 Mr. Ramesh Darda, Counsel
 for the respondents.

ORAL JUDGMENT:

Dated : 9.3.1992

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

While on the resignation tendered by Shri N.G. Patil, School Teacher working as Extra-Departmental Branch Post Master in the post office in question the applicant was provisionally appointed with the clear stipulation that of course as regular appointment was not possible this provisional appointment was made and and this appointment will come to an end when a regular appointment will be made. Initial appointment of the applicant was for 90 days but without issuing any formal letter thereafter the appointment of the applicant continued and it appears that he worked from 16.9.1987 to 19.5.1989 whereafter the respondent No.3 was appointed who took over charge as Extra Departmental Branch Post Master of the said Post Office. Feeling aggrieved of the same the applicant approached this Tribunal stating that his services ~~have~~ been terminated though no written order has been given and as he has worked for 20 months he has completed more than 240 days in a year his services could not have been terminated in this matter. The respondents have pointed

(10)

out that of course during this provisional appointment also the conduct of the applicant was far from satisfactory. There were certain charges against him and an enquiry was held and the charges against him were found to be correct and as Respondent No.3 was regularly appointed the charge was handed over to him. The applicant's appointment was provisional with a particular condition. Such provisional appointment continued for more than 240 days but that will not confer any right on the applicant as the appointment was subject to certain conditions. After selection of the Respondent No.3 the applicant ceases to have any right. Even if there was any enquiry in this particular case that enquiry is not material as the selection has been made and after selection another person was appointed. The applicant has failed to establish any claim or right to the post and there is no ground for us to interfere in the matter. Accordingly this application is dismissed with no order as to costs.

u/p

(M.Y. Priolkar)
Member(A)

✓
(U.C. Srivastava)
Vice-Chairman