

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1001/96.

Date of Decision

20/1/97

Balasaheb Digambar Rao Bande

...

Petitioner

Shri S. P. Inamdar

...

Advocate for the
Petitioner.

VERSUS

Union Of India & Others

...

Respondents.

Shri S. S. Karkera for
Shri P. M. Pradhan.

...


Advocate for the
Petitioner.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J).

Hon'ble Shri M. R. Kolhatkar, Member (A).

- (i) To be referred to the Reporter or not ? ✓
(ii) Whether it needs to be circulated to other ✓
Benches of the Tribunal?


(B. S. HEGDE)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1001/96.

Dated, this 20th the Ten-day of _____, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Balasaheb Digambar Rao Bande
E.D. Branch Post Master,
Narwadi,
Via Sonpeth,
Dist. Parbhani,
Pin Code - 431 516.

Applicant

(By Advocate Shri S.P. Inamdar)

VERSUS

1. Union Of India through
Director Postal Services,
Marathwada Region Aurangabad,
O/o. Post Master General,
Marathwada Region,
Aurangabad - 431 002.
2. The Superintendent,
Post Offices
Nanded Division,
Nanded - 431 602.
3. Asstt. Superintendent
Post Offices,
Parbhani Sub-Division,
Parbhani - 431 401.
4. Shri Ratan Nivrutti Pandul
At & Post: Narwadi,
Via. Sonpeth,
Dist. Parbhani,
Pin Code - 431 516.

... Respondents.

(By Advocate Shri S.S. Karkera
for Shri P.M. Pradhan).

: ORDER :

I PER.: SHRI B.S. HEGDE, MEMBER (J) I

Heard Shri S.P. Inamdar for the applicant
and Shri S.S. Karkera for Shri P.M. Pradhan, for the
respondents and perused the records.

2. The only prayer made by the applicant in this O.A. is to give directions to the respondents to appoint him in regular basis as E.D. Branch Post Master, Narvadi Post Office and not to appoint any other person including Respondent No. 4 in the post of E.D. Branch Postmaster, Narvadi, in which the applicant is already working since 04.03.1996. On the basis of the submissions made by the learned counsel for the applicant, the Tribunal vide its order dated 07.10.1996 stated that the applicant should not be disturbed from his post upto the next date i.e. 17.10.1996. The said ex-parte interim order continued till today.

3. The respondents have filed their reply stating that the contention raised by the applicant is untenable and not based on material facts. Infact, the respondent no. 4 had joined as ED Branch Postmaster, Narvadi on 06.10.1996, thereby, the status-quo order passed by this Tribunal on 07.10.1996 has become infructuous. It is further submitted that the post of regular incumbent of Narvadi Branch Office became vacant due to the promotion of regular incumbent Shri T.K. Pandule as Postman. The said Shri T.K. Pandule, who was previously working as E.D. Agent, while proceeding to the new post of his posting, has handed over the charge of the Branch Post Office to the applicant on his responsibility on 04.03.1996. In the meantime, a requisition was placed to the Employment Exchange, Parbhani for selection of Extra Departmental Branch Postmaster, Narvadi, since the said post is to be filled only by the candidate sponsored by the Employment Exchange.

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Accordingly, 13 nominations were received from the Employment Exchange and call letters were issued to the candidates, documents received from the candidates were got verified by the Assistant Superintendent of Post Offices, Parbhani Sub-Division and after examining each documents with regard to the eligibility criteria, the candidate Shri R. N. Pandule, Respondent No. 4, was selected for appointment on 17.09.1996. The said selection was made by the competent authority by merit and on comparative consideration of merit of each candidates, including the applicant in accordance with Recruitment Rules of Extra Departmental Agents (Conduct and Service) Rules. It is not the case of the applicant that he has not been considered alongwith others. However, the Respondent No. 4 was found more suitable for appointment to the said post of E.D. Branch Postmaster and also taken the charge of the said Branch Post Office, Narvadi on 06.10.1996. Since the applicant was purely on stop gap arrangement on the basis of the charge given by the earlier incumbent i.e. Shri T.K. Pandule, he is not having any right to challenge the said selection and has got no locus standi for claiming appointment to the said post of Branch Postmaster. In this connection, the learned counsel for the respondents cited a Full Bench decision of the Tribunal, Hyderabad Bench in S. Ranganayakulu V/s. The Sub-Divisional Inspector (Postal) West Sub-Division, Anantapur & Others [1995(1) ATJ 169] wherein the Full Bench held that the person who is working on provisional basis/stop gap arrangement, has no right to be considered for regular appointment and also

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