

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO:777/96

Dated, this Wednesday the 1st of December 1999.

Shri S.V.Bhopale Applicant.

Shri.U.Warunjikar Advocate for the
Applicant.

VERSUS

Asst. Supdt. of Post Office & Anr Respondents.

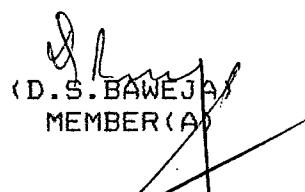
Shri S.S.Karkera for Advocate for the
Shri P.M.Pradhan Respondents.

CORAM: HON'BLE SHRI D.S.BAWEJA, MEMBER(A)
HON'BLE SHRI S.L.JAIN, MEMBER(J)

(i) To be referred to the Reporter or not?

(ii) Whether it needs to be circulated other Benches of the Tribunal?

(iii) Library?


(D.S.BAWEJA
MEMBER(A))

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO:777/96

DATED THE 1ST DAY OF DECEMBER, 1999.

CORAM: HON'BLE SHRI D.S.BAWEJA, MEMBER(A)

HON'BLE SHRI S.L.JAIN, MEMBER(J)

Shri Sunil Vishnu Bhopale
residing at L-30 M.H.B.
Yerwada, Opp.Airport,
Pune-411 014.

... Applicant

By Advocate Shri U.Warunjikar

v/s.

1. The Assistant Superintendent &
Post Offices,
Pune City East, Sub Division,
Pune-411 037.
2. The Secretary,
Post & Telegraph Department,
New Delhi. ... Respondents.

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

(ORDER) (ORAL)

(Per Shri D.S.Baweja, Member(A))

This OA has been filed by applicant seeking the direction to the respondents to appoint him on the post of E.D.Packer at the Airport Post Office.

2. The applicant says that he has worked as an outsider against the post of ED Agent Packer at the Airport, Pune during the year 1994-95 in different spells completing 486 days. The application made a representation dated 12/2/96 for being appointed as ED Agent Packer on regular basis on preference basis in terms of Rule 25(4) under the head of "Methods of Recruitment" of Service Rules for Postal ED Staff according to which the applicant meets with the requirements. The applicant further

...2...

submits that respondents have also vide letter dated 21/6/96 advised him that the applicant's name has been recommended by the Employment Exchange for recruitment on regular basis and he should submit the details in prescribed Form in case he is interested. However, the applicant has filed this DA on 5/8/96 seeking the relief of direction to respondents to regularly appoint him on preference basis in terms of Rule 25(4) instead of considering for appointment along with the outsiders.

3. The respondents have filed the written statement wherein they have contested the claim of the applicant. The applicant has filed rejoinder for the same.

4. We have heard the arguments of Shri U.Warunjikar for the applicant and Shri S.S.Karkera for Shri P.M.Pradhan for the respondents.

5. On considering the facts of the case, we find that the only short question which is reequired to be gone into is whether the applicant is entitled for preference in appointment on the post ED Packer in terms of Rules 25(4). On going through the Service Rules for ED Agents, we find that Rule 25(4) is based on the O.M.dated 18/2/94. It is noted that for a casual labourer to be eligible for preference in appointment, he should have been initially engaged as a casual labourer on being sponsored by Employment Exchange. We do not find from the averments in the DA that the applicant at the time of initial engagement was sponsored by the Employment Exchange. On query, the Counsel for Applicant fairly conceded that the applicant had not been engaged

on being sponsored by Employment Exchange but was engaged on his own request against a vacancy. In view of this, the condition laid down under Rule 25(4), is thus not complied with and the applicant therefore cannot have any claim for preference in appointment for post of ED Agent/Packer. The applicant accordingly cannot be allowed the relief prayed for.

6. The learned counsel for applicant made a submission that the name of the applicant had also been sponsored by the Employment Exchange against regular selection and if he is aggrieved by said selection, he should be granted liberty to challenge the same. In view of this, it is provided that dismissal of the present OA ^{but} ~~were~~ not preclude the applicant to challenge the said selection as per law.

7. In the result of the above, we do not find any merit in the OA and the same is dismissed. Accordingly Interim order dated 9/8/96 stands vacated. No order as to costs.

Q1813
(S.L.JAIN)
MEMBER(J)

Q1813
(D.S.BAWEJA)
MEMBER(A)

abp/

Review Petition No.3/2000
in
O.A. No.777/96

Date : 1.12.2000.

Heard Shri S.P. Inamdar, Learned Counsel for the review petitioner and Shri S.S. Karkera, for Mr.P.M. Pradhan, Ld. Counsel for the respondents.

In respect of Review Petn. No.3/2000 it is brought to our notice that the issue have also been decided by the Full Bench vide order dated 19/20.4.2000. In any case this has gone against the review petitioner. There is no case for the Review Petition and the Review Petition No.3/2000 is hereby dismissed.


(S.L. Jain)
Member (J)


(B.N. Bahadur)
Member (A).

H.