

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

OPEN COURT / PRE DELIVERY JUDGMENT IN / OA 832/96

order

RP 113/96 in

Hon'ble Vice Chairman / Member (J) / Member (A)

may kindly see the above judgment for

approval / signature.

Khurja
V.C. / Member (J) / Member (A) (K/S)

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)

MR. Balakrishnan

Logue

10/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, GULESTAN BUILDING
PRESCOT ROAD, FORT, MUMBAI - 1.

R.P. NO. 113/96

in

O.A. NO. 832/96

Dated this 10th day of December 1996.

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)

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

Mr. Prashant Jivanrao Deshpande
A/2-1-8 Phase III, Sector 18
Nerul Navi Mumbai 400 706

... Applicant

v/s

1. The Sub Divisional Inspector
(P), Panvel Sub Division,
Posts, Vashi, Navi Mumbai
400 703.

2. The Superintendent of
Post Offices, Navi Mumbai
Division, Panvel 410 206.

3. Union of India through
The Director Postal Services
Mumbai Region, Mumbai
O/of the Chief P.M.G.
Maharashtra Circle
Mumbai 400 001

... Respondents

Tribunal's orders (by circulation)

Per: Shri B.S. Hegde, Member (J)

In this Review Application, the applicant is seeking review of the order of this Tribunal dated 28-10-1996 wherein the Tribunal after considering the contention of the parties rejected the O.A. on merit. The applicant

is seeking review of that order on the following grounds -

- 1) that the applicant has been continuously working as Extra Departmental Delivery Agent at Nerul Post Office with effect from 22-12-1990 without any interruption;
- 2) Rule for the eligibility to appear at the departmental exam. If continuous five years' service as EDDA, the applicant is entitled to appear at the departmental examination of Postman which was held on 1-9-1996; therefore the contention of the respondents that the applicant has not completed five years as EDDA is incorrect;
- 3) there is apparent error on the face of the record.

2. However, on perusal of the record, we find that the Respondents denied the contention of the applicant that he has been working continuously as EDDA in regular capacity. The applicant himself admits that in 1992 he has been working provisionally in the vacancy of Shri M.G. Kulkarni, EDDA at Nerul, not in a regular vacancy. The contention of the applicant that he has been working from 22-12-1990 has also been denied by the Respondents. The contention of the Respondents is that the applicant was presently working as EDDA with effect from 4-1-1992 and he was not selected as per

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recruitment rules and that because of the stay order passed by the Tribunal, duly selected candidates could not be appointed by the Respondents; however, as per the directions of this Tribunal in O.A. 1153 of 1992 on 30-3-1995, the applicant's case was also considered by the Respondents and he was regularly appointed at Nerul Post Office as EDDA with effect from 11-10-1995 and since he has not completed 5 years regular service as EDDA, he is not having any right for appearing for the said examination.

3. Except the aforesaid contentions, the applicant has not brought out any new material for our perusal. It is well settled law that review cannot be done automatically unless new facts are brought to our notice. Admittedly, the applicant has been regularised in the post of EDDA with effect from 11-10-1995 pursuant to the directions of the Tribunal and he has not completed five years of service in that grade; therefore, the question of his appearing for the said examination for the post of Postman, for want of eligibility, does not arise. In the result, we do not find any merit in the Review Petition and the same is dismissed by circulation.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

B.S. Hegde

(B.S. Hegde)
Member (J)

ssp.