

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.78/1999

Dated this, Tuesday, the 19th Day of June, 2001.

Shri S.A.Dharane Applicant

(Applicant by Shri S.P. Inamdar, Advocate)

Versus

UOI & Ors. ... Respondents

¹⁸²
(Respondents by Shri V.S.Masurkar, Adv.)
R-3 by Shri S-S Karkera, Adv.

CORAM

HON'BLE SHRI JUSTICE ASHOK C. AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

- (1) To be referred to the Reporter or not? /
- (2) Whether it needs to be circulated to
other Benches of the Tribunal?
- (3) Library. ✓

L-9-
(Smt. Shanta Shastry)
Member (A)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No.78/1999

Date of Decision: 19.6.2001

CORAM: HON'BLE SHRI JUSTICE ASHOK C. AGARWAL
HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

Shri Subhash Sadharam Dharane,
26 years, Ex. Extra Departmental
Delivery Agent, Sajgaon Branch
Post Office,
Resident of House No.4,
at Sangade, P.O. Sajgaon,
Taluka: Khopoli, Dist. Raigad.

....

Applicant

(Applicant by Shri ~~S.D. Indandaw~~ Advocate)

VS.

1. Union of India, through
The Chief Post Master General
Maharashtra Circle,
Maharashtra Circle,
Mumbai 400 001.

2. Asst. Superintendent of Post Offices
Navi Mumbai Postal Division
Navi Mumbai, New Panvel.

3. Shri Ganesh Vyanket Jadhav
resident of Shilphata,
Khopoli
Dist. Raigad.

....

Respondents

(Respondents by Shri V.S. Masurkar, Advocate)

Respond. No. 3 by Shri S.S. Karkera, Adv.)

O R D E R (ORAL)

[Per: Smt. Shanta Shastry, Member (A)]:

A Branch Post Office was opened at Sajgaon, Taluka Khopoli, Dist. Raigad w.e.f. 20.1.1997. Also a post of Extra Departmental Delivery Agent with the pay of Rs.1286/- per month was created w.e.f. the same date. Initially the Applicant was appointed to the post on adhoc basis. No formal appointment order was given to the Applicant. Thereafter a regular selection

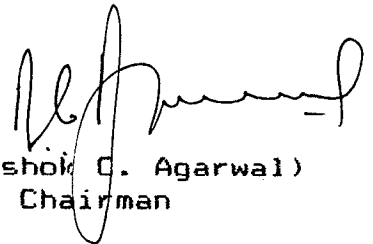
was held for the post and the Applicant's services were discontinued w.e.f. 22.4.1998. Respondent No.3 was selected for the post. He was given an appointment w.e.f. 22.4.1998 and a formal letter of appointment was issued to him on 11.3.2000 after completing various appointment formalities, like medical examination, character verification etc. It is the contention of the Applicant that he had been working as an Extra Departmental Delivery Agent from 20.1.1997 till 22.4.1998. He also had applied for the selection on 21.4.1998. However, the respondent No.3 was selected though he was not a resident of the said village Sajgaon. According to the rules, selected candidates should be residing in the place where the post office is situated. Secondly, in the case of Respondent No.3 the appointment was given even before completing the pre appointment formalities. On these two counts, the Applicant is challenging the selection of Respondent No.3. According to him it is replacement of one adhoc appointment by another adhoc appointment.

2. The learned Counsel for the Respondents submits that the appointment of the respondents No.3 is in order. There is a provision as far as the EDDA are concerned, that they can belong to a nearby place. It is not mandatory that they should be residing in the same village. The Respondent No.3 belongs to a place 2 kilometers away from Sajgaon. Therefore, this is within the Rules. As regards pre appointment formalities, the learned Counsel has read out to us the relevant provisions according to which if an appointment is to be made, before completing the

formalities, the same can be made on the basis of a character certificate and later the formalities can be completed. The appointment can be given with the condition that in case, the incumbent fails to comply with the formalities his services will be liable for termination. In the present case, the Respondent No.3 was appointed w.e.f. 22.4.1998 and it took some time to complete all the formalities thereafter only the appointment order dated 11.3.2000 was issued. The Applicant also had appeared for the selection. However, the Respondent No.3 had a better percentage of marks than the Applicant. Not only that it appears that the Applicant had submitted a bogus Certificate of SSC passed. Actually, he was only studying in the 10th standard. As per the latest information provided by the learned Counsel for the Applicant it is seen that he failed in the SSC Examination. In view of this, the selection of Respondent No.3 cannot be found fault with. In our considered view, therefore, the Application is devoid of merits and deserves to be dismissed. We order accordingly. We do not order any costs.



(Smt. Shanta Shastri)
Member (A)



(Ashok C. Agarwal)
Chairman

sj*