

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO. . : 976 of 1999.

Dated this Monday, the 30th day of October, 2000.

Shri Vithal Shankarrao Kulthe, Applicant.

None present. Advocate for the
applicant.

VERSUS

Union of India & Others, Respondents.

Shri V. S. Masurkar, Advocate for
Respondents.

CORAM : Hon'ble Shri B. N. Bahadur, 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 to other Benches
of the Tribunal ?

(iii) Library.

N

BnB

(B. N. BAHADUR)
MEMBER (A)

sg*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 976 of 1999.

Dated this Monday, the 30th day of October, 2000.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

Vithal Shankarrao Kulthe,
R/o. Chichondi Patil,
Tal. & Dist. Ahmednagar.

... Applicant.

(None for the applicant)

VERSUS

1. Chief Superintendent,
P.M.G., Mumbai.

2. P.M.G., Pune Region,
Pune.

3. Sr. Superintendent Post Offices,
Ahmednagar, Dist. Ahmednagar.

4. Asstt. Superintendent
Post Offices,
North Ahmednagar.

... Respondents.

(By Advocate Shri V. S. Masurkar)

OPEN COURT ORDER

PER : Shri B. N. Bahadur, Member (A).

None for the Applicant. Since the pleadings are complete and this is a simple matter, we take up this matter for disposal at the admission stage. Inspite of the opportunity provided last time, no one has appeared for applicant. There is specific mention of this on Roznama. We, therefore, proceed to consider this case on merits, especially considering the facts and averments made out in the application.

Bnb

...2

2. The Applicant has come up to the Tribunal seeking the relief, in substance, that the Respondents be directed to reinstate the Applicant into service immediately, and with retrospective effect from 08.12.1997. It must be noted in this connection that the O.A. is filed on 20.04.1999.

3. The Applicant contends that he was terminated from the post of P.E.D. Packer at Post Office, Chichondi Patil, Tal. & Dist. Ahmednagar on 21.08.1997. He was initially employed on 02.12.1996 as Distributing Agent. Further details have been given by the Applicant in his application.

4. The Respondents have resisted the claim of the Applicant by filing a written statement. We have heard the Learned Counsel, Shri V. S. Masurkar in the matter.

5. The Applicant was appointed by an Order dated 21.03.1997 (copy at exhibit R-1) in which it was stated that his employment as E.D. at Chichondipatil with effect from 02.12.1996, was in the nature of contract, liable to be terminated on either side. Thus it was clearly a stop-gap arrangement, as has been contended by the Respondents. We also observe from the details at para 5 (d) and 5(e) that the Respondents had initiated the process of regular selection, as per prescribed procedure, by approaching the Employment Exchange, and later by issuing notification on 01.08.1997. The Employment Exchange, Ahmednagar, sponsored eight candidates, including the Applicant, and all these were considered.

B2B

6. The Respondents have provided the original papers in the case for our perusal, and state that the selected candidate was most meritorious in educational qualification and also fulfilled all the conditions. Hence, he was appointed with effect from 06.12.1997, terminating the services of the applicant. We have gone through the facts of the case and find no infirmity in the action of the Respondents. This is not a case where one ad hoc appointee has been replaced by another ad hoc appointee. Thus, no violation of rules has been committed, either in letter or spirit. The Applicant was clearly appointed in a stop-gap arrangement and regular appointment has been made after following due procedure. Thus applicant has no case.

7. Since the matter fails on merit, we are not going into the question of limitation, where also there is, apparently, some infirmity on the part of the Applicant.

8. In consequence of the above, this O.A. fails and is hereby dismissed, with no order as to costs.

S.L.Jain
(S.L. JAIN)

MEMBER (J).

Bn Bahadur
(B. N. BAHADUR)

MEMBER (A).

os*