

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI  
CAMP AT AURANGABAD

ORIGINAL APPLICATION NO: 94/99

MONDAY the 3rd day of DECEMBER 2001

CORAM: Hon'ble Shri S.R. Adige, Vice Chairman  
Hon'ble Shri S.L. Jain, Member (J)

Bhimraj Karbhari Karble  
Presently working as Extra  
Deptl. Agent, Javkhede Khalsa  
B.O. Dist, Ahmednagar,  
Village Virkeshwar S.K.  
Ahmednagar S.O.

... Applicant.

By Advocate Shri S.P. Inamdar.

V/s.

1. Union of India through  
The Post Master General  
Pune Region Pune.
2. Sr. Superintendent of Post  
Offices, Ahmednagar Dn.
3. Sr. Superintendent of P.O.  
Pune City West Dn.  
Pune.
4. Ast. Supdt. of POs  
Pune City TSO II Dn.

... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

} Per S.R. Adige, Vice Chairman)

Applicant impugns respondent's order dated  
21.11.1998 and seeks reinstatement as PostMaster with  
retrospective effect with all consequential benefits.

2. Heard both sides.

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3. The applicant who is a regular E.D.C.A. was appointed as Postman on temporary basis and also attended the training. As per the contention of respondents he was reverted to the post of EDCA as he could not qualify in the departmental examination alongwith various other candidates who were also likewise reverted. Later, the applicant had qualified in the departmental examination and he was appointed as Postman with effect from 16.8.1999.

4. The applicant now claims that the intervening period between the date of his reversion on 21.11.1998 and the date of his reinstatement vide order dated 16.8.1999 be counted towards his seniority as Postman. In this connection the learned counsel for the applicant has interalia contended that the reversion order entailed civil consequences, but applicant was not given any opportunity to show cause against the same, and hence the reversion itself was illegal.

5. No Rule or instruction has been shown to us to enable us to direct the respondents to treat the intervening period towards applicant's seniority as Postman. The learned counsel for the applicant has relied upon the case of State of Haryana and others V/s Piara Singh and others 1992 SCC (L&S) 825 but in that case the Hon'ble Supreme Court has held that one adhoc employee should not be replaced by another adhoc employee and does not cover the question of treating the intervening period towards applicant's seniority as Postman. Another Ruling relied upon by

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the applicant is A Marimuthu V/s Collector of Customs and Excise Madurai AISLJ 1986 (3) 338, but in that ruling it has been held that reversion without giving any reasons are bad orders. That ruling also does not help the applicant in treating the intervening period between his reversion and subsequent appointment towards seniority as Postman.

6. In the light of the above, we find ourselves unable to direct the respondents to treat the intervening period towards seniority as Postman. The OA is dismissed.

No costs.

*S.L. Jain*  
(S.L. Jain)  
Member (J)

*S.R. Adige*  
(S.R. Adige)  
Vice Chairman

NS

*dt 31/12/01*  
On 29/11/02 to 29/11/02 (s)  
*m*