

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 186 of 2000.

Dated this _____ the 6th day of December, 2000.

Nitin Jyotiram Shedage, Applicant.

Shri S. P. Kulkarni, Advocate for the
applicant.

VERSUS

Union of India & Others, Respondents.

Shri V.S. Masurkar, Advocate for
Respondents No. 1 to 3.

Shri S. P. Saxena, Advocate for
Respondent No. 4.

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

Hon'ble Smt. Shanta Shastri, Member (A).

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|-------|---|----|
| (i) | To be referred to the Reporter or not ? | No |
| (ii) | Whether it needs to be circulated to other Benches
of the Tribunal ? | |
| (iii) | Library. Yes | |

Shanta Shastri
(Smt. SHANTA SHASTRY)
MEMBER (A)

OS*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 186 of 2000.

Dated this _____ the 6th day of December, 2000.

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

Hon'ble Smt. Shanta Shastry, Member (A).

Nitin Jyotiram Shedage,
Extra Departmental Branch
Postmaster, Zargalwadi,
B.O.: (Via Baramati),
Dist Pune - 413 102.
Residing at -
At & Post : Zargalwadi,
Taluka - Baramati,
Dist. Pune - 413 102.

... Applicant.

(By Advocate Shri S. P. Kulkarni)

VERSUS

1. Union of India through
The Superintendent of Post Offices,
Pune Mofussil Division,
At & PO : Pune - 411 042.
2. The Director of Postal Services,
Pune Region,
O/o. the Postmaster General,
Pune Region,
At & P.O. Pune 411 001.
3. Post Master General,
Maharashtra Circle,
Pune Region,
At & P.O. Pune - 411 001.
4. Shri Sanjay Namdeo Bichkule,
At & P.O. : Zargalwadi,
Via. Baramati,
Dist. Pune - 413 102.

(By Advocate Shri V.S. Masurkar for R-1 to 3 and
Shri S.P. Saxena for R-4)

O R D E R

PER : Smt. Shanta Shastry, Member (A).

The applicant in this case is aggrieved that he was not
selected for the post of Extra Departmental Branch Postmaster in

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Zargalwadi, Tal. Baramati, Dist. Pune. He is challenging the notification issued on 11.06.1999 selecting Respondent No. 4 from reserved quota, though the notification was not issued for filling up ^{the} post as ear-marked for O.B.C.

2. The applicant is a Hindu Maratha and belongs to "Other Category". On opening a Branch Post Office at Zargalwadi Village on 14.06.1999, he was offered the post of E.D.B.P.M. on a provisional basis for four months from 14.06.1999 to 14.10.1999. It was clearly stipulated in his order that the incumbent will continue till a regular candidate is appointed and he takes over. Later on, the post was notified and the Employment Exchange was addressed by Registered Post on 11.06.1999 and simultaneously, a local notification was also issued.

3. As per orders of the Postal Directorate dated 27.11.1997, a prescribed percentage of SC/ST/OBC is required to be maintained with the sanctioned strength of each cadre. It is further mentioned in this order that 50% ceiling is not to be violated while notifying the posts for reserved community candidates. Considering the above provisions, the post of E.D.B.P.M. at Zargalwadi was notified for open category candidates and not for any particular reserved community. Though the Employment Office has to sponsor a minimum of three candidates against one vacancy, only one candidate was sponsored by the Employment Office. However, there were four candidates who had responded through local notification. Thus, a total of five candidates were considered for selection. The applicant was one of the candidates. After due consideration, Respondent No. 4 was selected not because he belongs to the O.B.C. category but

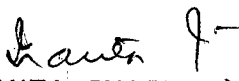
because he secured the maximum percentage of marks in S.S.C. amongst those who had applied. He got 62% marks whereas the applicant had only 60%, though he claimed to have 62%. Respondent No.4 though, belonging to O.B.C., was therefore selected on the basis of merit and was adjusted against the 'Other Category'. The respondents, therefore, followed the right procedure and the selection has been made in accordance with the existing rules and provisions.

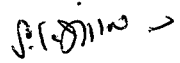
4. The applicant has also contended that he had worked for ten months and, therefore, his services should not have been terminated without giving him an opportunity of being heard. The respondents have stated that since in the appointment order given to the applicant it had been clearly stated that as the appointment will be terminated when a regular incumbent is appointed, the applicant has no claim for appointment to any post and, therefore, the question of giving one month's notice does not arise.

5. We have heard both the Learned Counsel for the applicant as well as the Respondents and have perused the pleadings. We find that the respondents have followed the proper procedure. The applicant's case was considered duly alongwith other candidates. The respondents had also mentioned in the notification that preference would be given to SC/ST and OBC as well as Ex-Servicemen, if any shortfall occurs. This is as per the instructions issued from time to time about recruitment of E.D. Agents through Employment Exchange and the instructions

dated 27.11.1997 of the Department of Post, Ministry of Communication are very clear in this matter. In our considered view, therefore, the selection of Respondent No. 4 cannot be faulted.

6. The O.A. is devoid of merits and is accordingly dismissed. No order as costs.


(Smt. SHANTA SHASTRY)
MEMBER (A).


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

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