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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 564/91

Transfer Application No:

DATE OF DECISION: 28/09/1994

Shri. Vittal Santuka Panchak Petitioner

Shri. Y.R. Singh Advocate for the Petitioner

Versus

Union of India & Others Respondent

Shri. P.M. Pradhan Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

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

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?

(89)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. No. 564/91

Shri Vittal Santuka Panchal ... Applicant

vs.

Union of India and Others ... Respondents

CORAM : 1. Hon'ble Shri. B. S. Hegde, Member (J)
2. Hon'ble Shri. M. R. Kolhatkar, Member (A)

APPEARANCES

1. Shri. Y. R. Singh, Counsel for the Applicant
2. Shri. P. M. Pradhan, Counsel for the Respondents

ORAL
JUDGEMENT

DATED : 28/09/1994

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

Heard the arguments of Shri. Y.R. Singh, Counsel for the applicant and Shri. P. M. Pradhan, Counsel for official respondents and Shri. S.P. Kulkarni, Counsel for Respondent No. 5.

2. The only prayer made in the Application is that the termination order of the applicant dated 09.10.1991 be declared illegal and invalid and also the respondents be directed to consider the applicant for regular appointment as Branch Post Master.

3. It is an admitted fact that neither any appointment letter nor any termination letter was issued. The applicant has been appointed as Branch

(10)

Post Master on 26.11.1990 and the same was terminated on 09/10/1991. The respondents in their reply at para 4 has clarified the reason for termination of the applicant which has not been disputed by the applicant. On perusal of the reply, it is found that the respondents have adopted right method in recruiting the respondent No. 5. At the time of recruiting Respondent No. 5, the applicant's name was not sponsored by the Employment Exchange, through that source, the applications have been called. In the circumstances, the respondent had no other alternative but to choose one of the names received from the employment exchange. Accordingly, they chose respondent No. 5 and appointed to the said post.

4. During the course of hearing, the learned counsel for the applicant submitted, Before the Tribunal, a copy of decision delivered by Central Administrative Tribunal, Ernakulam Bench in O.A. 773/90 (P.G. Ramachandran Vs. Union of India and Others), wherein the Tribunal has ruled that it is not mandatory that one must be sponsored by employment exchange for being considered for a post. The principle laid down therein is not applicable to the facts of this case because the respondents in this case had not recruited any other person than the persons sponsored by the Employment Exchange and the applicant has been working in the capacity of substitute, hence, he has not been any right to the post.

5. The applicant submits, that he may be considered for other E.D. post at any other place nearby as and when the vacancy arise, to which the respondents have no objection. In the circumstances, we direct the respondents to consider the name of the applicant, as and when a vacancy arises in future. With the above directions, the above O.A. is disposed of but with no order as to costs.

M.R.Kolhatkar

(M. R. KOLHATKAR)
MEMBER (A)

B.S.Hegde

(B.S. HEGDE)
MEMBER (J)