

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1335/92

Transfer Application No.

Date of Decision 10.12.1997

V.S.Giri

Petitioner/s

Shri S.P.Kulkarni

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri S.S.Karkera for Shri P.M.Pradhan

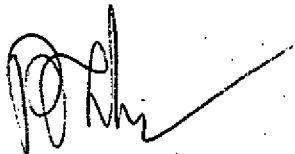
Advocate for
the Respondents

CORAM :

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

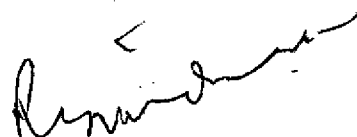
Hon'ble Shri. P.P.Srivastava, Member (A)

- (1) To be referred to the Reporter or not ? *W*
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? *W*



(P.P.SRIVASTAVA)

MEMBER (A)



(R.G.VAIDYANATHA)

VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 1335/92

wednesday this the 10th day of December, 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

Vilas Shravan Giri
C/o Shri S.P.Kulkarni,
Gunjan, Wadavli Section,
Ambernath.

By Advocate Shri S.P.Kulkarni ... Applicant
V/S.

1. Union of India through
Sub-Division Inspector
Post South S/Dn.Beed.
2. The Superintendent of
Post Offices, Beed Division,
Beed - 431122.
3. The Chief Post Master General,
Maharashtra Circle, Bombay.
4. Shri D.N.Todakar
Balbhim Arts & Science College,
Beed, F.Y.Student at P.O.Beed.


By Advocate Shri S.S.Karkera
for Shri P.M.Pradhan, CGSC ... Respondents

O R D E R

(Per: Shri Justice R.G.Vaidyanatha, VC)

This is an application under Section
19 of the A.T.Act. Respondents No. 1 to 3 entered
appearance and filed reply. Respondent No. 4 has
sent reply by post. Heard both the sides.

.. 2/-



2. The admitted facts are :- the applicant was working as provisional E.D.D.A. at Panchangri Post Office from 1.4.1992 till 18.11.1992. It appears the Post Department made a provisional appointment and the vacancy arose due to the death of previous incumbent K.B.Gulve. It appears the Post Department took steps to fill up that post by regular appointment. The department sent a requisition to the Employment Exchange to sponsor 21 candidates including Respondent No. 4. It appears Respondent No. 4 was selected and was appointed as E.D.D.A. on regular basis and had assumed charge on 18.11.1992 when the applicant had gone on leave.


The applicant's case is that he had no occasion to apply for this post since there was no advertisement ~~as~~ openly or on the notice board. As soon as he came to know the appointment of Respondent No. 4 ^{about} that he had assumed charge, he has filed the present OA. challenging the appointment of Respondent No. 4.

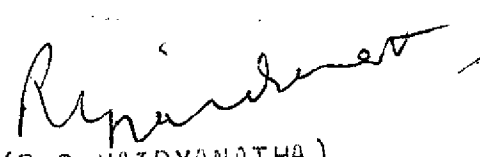
3. Respondents' defence is that as per rules they have appointed Respondent No. 4 by calling candidates from the Employment Exchange. According to them, there is no necessity to advertise openly or on the Notice Board.

4. At the time of argument, the learned counsel for the applicant contended that the applicant being a provisional candidate and having experience of about seven months should have been given opportunity of being considered to the post along with the candidates sponsored by the Employment Exchange. The learned counsel for the respondents submitted that as per rules the department ^{should} first exhaust the remedy of getting candidates from Employment Exchange and if no suitable candidate is available then only the department can take steps to appoint other candidates.

5. In the facts and circumstance of the case, we do not want to go in the larger question whether recruitment should be made only through Employment Exchange or through both Employment Exchange ^{and} advertisement in News-paper. In this case, there is only single candidate for single post of Village Postman who is appointed on part-time basis and that too on some allowances and not on regular pay. Hence, for such a single post we do not expect the department to incur such a heavy expenses to advertise in the News-paper. He should have been informed or given a chance to appear for selection but in present case Respondent No. 4 was selected in 1992 and he assumed charge on 18.11.1992. There is no allegation that he is not qualified. Hence, at this distance of time we do not find any reason to quash the appointment of Respondent No. 4. Further, no rule is brought to our notice that provisional candidate should be informed about the selection process. Since the applicant has already put in 7 months service in the department, naturally he is entitled to be considered whenever future vacancy arises. In the facts and circumstances of the case, we are not inclined to interfere with the appointment of Respondent No. 4.

6. In the result, the OA. is disposed of holding that in the circumstances of the case the appointment of Respondent No. 4 should not be interfered with. However, for future vacancy in that Division, viz. South Sub-Division Beed, in case the applicant applies for the same, the Department shall consider the same along with other candidates, ^{having} with regard to his qualification and experience according to rules. No costs.


(P.P. SRIVASTAVA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN