

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 19 JAN 1995

APPLICATION NO: 1204 of 1994.

APPLICANTS:- Sri. Lakshminikantha, Mysore Distt.,
V/S.

RESPONDENTS:- Asst Supt of Post Offices, Mysore West Sub-Div
and another.

T.

① Sri. V. Narasimha Holla,
Advocate, No. 317, 12/5A Main,
Sixth Block, Rajajinagar,
Bangalore- 560010.

② Sri. M. Vasudevarao,
Addl. C. G. S. C.
High Court Bldg,
Bangalore 560001

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 09-01-95

Copy
19/1/95
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.1204/94

MONDAY THIS THE NINTH DAY OF JANUARY, 1995

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER (A)

Lakshmikantha
(EDDA/MC Mandakalli)
S/o Ramashetty
Mandakalli Village-571311
Mysore Taluk, Mysore Distt. Applicant

(By Advocate Shri V.N. Holla)

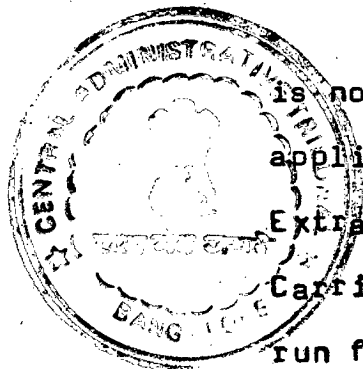
v.

1. Assistant Superintendent of Post
Offices, Mysore West-Sub Div.,
Mysore - 570009
2. Sr. Supdt. of Post Offices,
Mysore Division, Mysore Respondents

(By learned Standing Counsel)
Shri M.V. Rao

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN



Having heard both sides, we find there is no substance in this application. The applicant, who was asked to man the post of a Extra Departmental Delivery Assistant/Mail Carrier on an ad hoc basis found himself on the run for regular selection at which it is said that he had been, as a matter of fact, short-listed for appointment in the sense he was told that he had been selected for appointment but no order of appointment as such was issued to

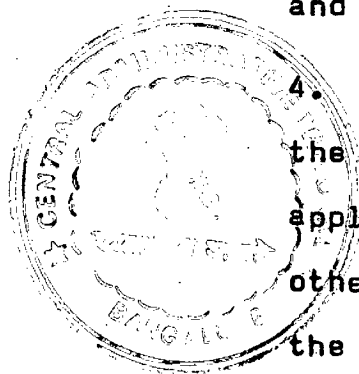
him. But, in between this cup and lip stage, the superior office R-2, intervened and pointed out the impermissible norms followed by the appointing authority in the matter of selecting the applicant as EDDA/MC and, therefore, directed fresh selection. In the meanwhile, the applicant who was holding the post provisionally found himself without a job because the Department took away the provisional appointment as can be seen from Annexure A-9. The position is that he is now neither here nor there. He had the temporary appointment also taken away and the chances of getting the job permanently appears to have been struck down by the superior authority and therefore he asks herein for a direction to the Department to regularise his appointment as EDDA/MC. In the alternative, it is also suggested by Shri V.N. Holla for the applicant that whatever may happen, till a regular appointment is made, the applicant's services may be continued on ad hoc basis. However, much we would like to do that and ask the Department to continue the applicant on ad hoc basis, even that is not possible because following the termination of his appointment, he has been dislodged and somebody given charge of that post. Therefore, whatever the Department may do or may not do, the court finds it difficult to ask the Department to undo what it has so far done by reinstalling him

as EDDA/MC.

2. We are afraid we cannot do that. We find that the applicant is yet to be appointed. He has been merely notified of his selection but before an order of appointment could emerge, the process of selection was started afresh and all chances of his appointment being stalled by the superior authority pointing out to various errors and omissions committed by the appointing authority with the result, the fresh process of selection is afoot with the Employment Exchange being asked to send a fresh list of nominees etc. This is yet another aspect which goes against the applicant.

3. Merely because he received a communication informing him of his selection that does not give him any right to ask for appointment as EDDA/MC. On both these grounds, the application fails and is dismissed.

4. In the circumstances of the case, we direct the Department to consider the case of the applicant for regular selection along with such others who may be sent up for consideration by the Employment Exchange. This direction will hold hold good even if Employment Exchange does not send his name for selection. No costs.



TRUE COPY
[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd/-
MEMBER (A)

Sd/-
VICE CHAIRMAN