

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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O.A. NO: 289/93

199

~~T.A. NO:~~  
~~xxxxxxx~~

DATE OF DECISION 25.6.93

Shri A.M.Kedar

Petitioner

Shri S.P.Kulkarni

Advocate for the Petitioners

Versus

Asstt. Supdt. of Post Offices, Thane Respondent  
& Ors.

Shri P.M.Pradhan

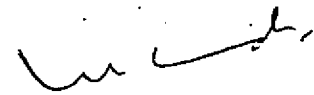
Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice M.S.Deshpande, Vice Chairman

The Hon'ble ~~Mr.~~ Ms. Usha Savara, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? no
4. Whether it needs to be circulated to other Benches of the Tribunal ?

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

mbm\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 289/93

Shri Ananta Maruti Kedar  
V/S.

... Applicant

Asstt. Supdt. of Post Offices,  
Thane Sub-Division  
At Waghale Industrial Estate,  
Thane And Others.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri S.P.Kulkarni  
Advocate  
for the Applicant

Shri P.M.Pradhan  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 25.6.93

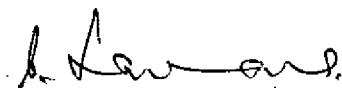
(PER: M.S.DESHPANDE, Vice Chairman)

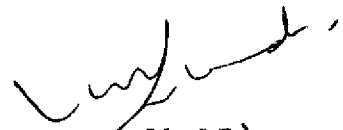
Heard Shri S.P.Kulkarni for the applicant and  
Shri P.M.Pradhan for the respondents.

2. According to the applicant, he had put in about 20 months service as a substitute Extra Departmental Agent while one Shri Shaikh was away and that he was a candidate for consideration along with 7 others and that he had more marks in S.S.C. than Respondent No. 3 who was selected and had less experience. Our attention was drawn to para 42 of G.S.PARVATHY vs. The Sub-Divisional Inspector (Postal) & Ors., All India Services Law Journal Vol.IV - 1992(1) page 540, where the Larger Bench of this Tribunal observed, after referring to Rule 11(2) of Section II- Method of Recruitment - in Swamy's Compilation of Service Rules for E.D. Staff in P&T Department, that the experience gained by the provisional appointee is quite valuable and that thereby he acquires a right for appointment after three years of service.

(W)

Those whose experience falls short of three years and who cannot therefore claim the benefit of the above quoted rule are certainly entitled at least to weightage being given to the extent of the experience acquired. The other candidate had no experience. It is apparent that the applicant <sup>did</sup> ~~do~~ not have a right under Rule 11(2) for inclusion in the waiting list because his experience is shorter than 3 years. Shri P.M.Pradhan pointed out to us that the applicant's Employment Card had not been validated after 1983 while the other candidate had valid cards and all these aspects have been considered while selecting Respondent No. 3. Application dismissed summarily.

  
(MS.USHA SAVARA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

mrj.