

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1006/94

Date of Decision: 7.7.1999

Kum. Kavita Puroshottam, Paithanpagare. Applicant.

Shri P.V. Gaware. Advocate for Applicant.

Versus

The Post Master General Aurangabad and another. Respondent(s)

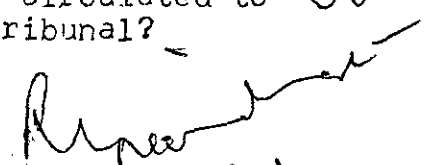
Advocate for Respondent(s)

CORAM:

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

Hon'ble Shri. D.S. Baweja, Member (A)

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


(R.G. Vaidyanatha)
Vice Chairman.

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 1006/94

Wednesday the 7th day of July 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S.Baweja, Member (A)

Kum. Kavita Puroshottam
Paithanpagare.
EDBPM
Chapaner
Kannad, Aurangabad

... Applicant.

By Advocate Shri P.V. Daware.

V/s.

1. The Post Master General
Maharashtra Circle
Cantonment Aurangabad.

2. Senior Supdt. of Post Offices
Aurangabad Division,
Aurangabad.

... Respondents.

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

ORDER (Oral)

{Per Shri Justice R.G.Vaidyanatha, Vice Chairman}

This is an application filed under
Section 19 of the Administrative Tribunals Act 1985.
The respondents have filed reply. We have heard
Shri P.V. Daware counsel for the applicant and
Shri S.S.Karkera for Shri P.M.Pradhan, counsel for
the respondents.

2. The applicant was appointed as Extra
Departmental Branch Postmaster in the vacancy at
Chapaner by order dated 7.9.1993. The applicant's

...2...!



: 2 :

services came to be terminated, which the applicant is challenging. She is also aggrieved by the selection made by the department in selecting one A.K. Kapure as EDBPM Chapaner.

The respondents in their reply have stated that the applicant was appointed purely on temporary basis due to superannuation of previous incumbent. Since regular selection will take some time the applicant was appointed as a stop gap arrangement till a particular time or till a regularly selected candidate is appointed. It is also stated that applicant's name was not sponsored by the Employment Exchange.

3. The learned counsel for the applicant is challenging the correctness and legality of selection process and validity of termination order.

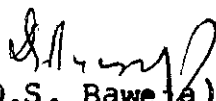
After hearing both the counsel, in the facts and circumstances of the case, we cannot interfere with the impugned order of appointment of A.K. Kapure.

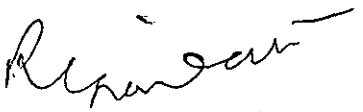
The applicant was appointed on temporary basis and as a stop gap arrangement for certain period till a regularly selected candidate is appointed. Once the selection process is completed and candidate has been selected on regular basis, the applicant cannot challenge the impugned order of termination.

...3...


4. No doubt Shri A.K. Kapure's appointment has been questioned. But we cannot go into that question since Shri Kapure is not made a party in the present O.A. Even if we accept the applicant's case, we cannot quash the appointment order of Shri Kapure since he is not a party before us. Hence no relief can be granted. On merits the learned counsel for the respondents placed before us the selection papers. Only 9 candidates were sponsored by the Employment Exchange including the name of Shri A.K. Kapure and he has been selected on merits. The applicant's name was not sponsored by the Employment Exchange.

5. In the result O.A. fails. Accordingly the O.A. is dismissed. No costs.


(D.S. Bawale)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

NS