

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No 409/97

Date of Decision: 29.9.97

Shri Prashant Jivanrao Deshpande. Applicant.

Shri S. P. Inamdar. Advocate for  
Applicant.

Versus

Union of India and others. Respondent(s)

Shri S.S. Karkera for  
Shri P.M. Pradhan. Advocate for  
Respondent(s)

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?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

*R. G. Vaidyanatha*

(R.G. Vaidyanatha)  
Vice Chairman

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

Original Application No. 409/97

Monday the 29th day of September 1997.

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

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

Prashant Jivanrao Deshpande  
Residing at A-2/1-8,  
Phase III, Sector 18,  
Nerul, Navi Mumbai.

... Applicant.

By Advocate Shri S.P. Inamdar.

V/s.

Union of India through  
Superintendent of Post Offices  
Navi Mumbai Division  
At Post New Panvel.

Director Postal Services,  
Mumbai Region, O/o  
Chief Post Master General  
Old GPO Building, Fort,  
Mumbai

Post Master General (M.M.)  
O/o Chief Postmaster General  
Old G.P.O. Building, Fort  
Mumbai.

... Respondents.

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

O R D E R (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

This is an application under Section 19  
of the Administrative Tribunals Act. Heard both  
sides.

...2...

The applicant's case is that he is entitled to appear for Departmental examination and then the services should be regularised as Post Man subject to result of the examination.

Respondents have filed reply opposing the application.

The applicant on the previous occasion had approached this Tribunal for the relief identical to this relief namely for permission to sit in the Departmental examination by filing O.A. 832/96. A Division Bench of this Tribunal by order dated 28.10.96 rejected the application of the applicant on the ground that he has not put in five years regular service as EDDA after his service were regularised from 11.10.95. Therefore the application was rejected at the admission stage.

Now the applicant has second round of allegation <sup>stating</sup> that he is a Casual Labour who has completed 240 days, therefore he is entitled to sit in the Departmental Examination as per Rules. It is true that Casual Labour who has completed 240 days may also sit in the examination. But that is not the case of the applicant from the begining. The learned counsel for the respondents pointed out that the applicant is not a Casual Labour, but he was appointed as EDDA. A specific allegation is made to this effect in para 10 of the written statement. Though the applicant has filed rejoinder, he has conveniently

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not denied the allegation made in para 10 of the written statement. Same person cannot claim both ~~the casual labour~~ and as EDDA.

In our view the the applicant has not made out any grounds for admitting the O.A.

In the result, the O.A. is rejected at the admission stage itself.

Interim relief granted in this case is hereby vacated.

  
(P.P. Srivastava)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman

NS