

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI**

CAMP AT AURANGABAD

ORIGINAL APPLICATION NO. 1155/ 1997

WEDNESDAY, THE EIGHTH DAY OF AUGUST, 2001

CORAM:

**SHRI JUSTICE BIRENDRA DIKSHIT. VICECHAIRMAN.
SHRI M.P. SINGH. MEMBER (A)**

**B.L. Madunre,
Post Office Laghul,
Tal. Biloli, Dist. Nanded.
Maharashtra 431 710.** ... Applicant

By Advocate Shri Suresh Kumar.

Vs.

- 1. Union of India through
Secretary, Ministry of Communication,
Sanchar Bhavan, New Delhi-110 011.**
- 2. Sub Division Inspector (P)
Degloor Sub Div, Degloor,
Tal. Degloor, Dist. Nanded,
Maharashtra-431 717.**
- 3. Superintendent of Post Office, Nanded,
Shivaji Nagar, Dist. Nanded,
Maharashtra-431 602.**
- 4. Chief Post Master General,
Dist. Mumbai-400 001.**



Maharashtra.

5. Kondu Singh, S/o Devi Singh Thakur,
Post Office Laghul,
Tal. Biloli, dist. Nanded.
Maharashtra-431 710.

... Respondents

By Advocate Shri V.S. Masurkar for R1 to R4.

O R D E R (ORAL)

Hon'ble Shri M.P. Singh, Member (A)

The applicant has filed this OA seeking a direction to the respondents to set aside the appointment of 5th respondent and to declare that the he is entitled for appointment to the post with all consequential benefits.

2. The brief facts of the case are that the name of the applicant was sponsored by the employment exchange along with 5th respondent for consideration for appointment of (Extra Departmental Delivery Agent) EDDA. On the basis of the selection made by the respondents, the applicant was appointed as EDDA and had undergone training for 10 days as stated in the appointment order.

3. However, in the appointment order it was stated that the services of the applicant will be terminated as and when the regular



3

appointment is made. According to him the official respondents have appointed the 5th respondent, who had failed in the selection, while he was considered along with the applicant. It is alleged by him that the person who has failed in the selection, cannot be appointed without holding further selection and notifying the vacancy to the employment exchange. Aggrieved by this he has filed this OA seeking the aforesaid reliefs.

4. The respondents, in their reply have stated that the applicant was appointed provisionally purely on temporary basis only because of the fact that Shri R.L. Madunre, who was previously working as EDDA was selected and appointed as regular postman and because of which the post, where he was working had fallen vacant and before duly selected candidate is appointed to the said post, the applicant was appointed strictly on provisional basis which also can be seen from the letter of appointment issued to him. According to the respondents, the name of the applicant was sponsored by the employment exchange and he was considered along with other candidates, who were sponsored by the employment exchange. The 5th respondent was more qualified and more meritorious and was therefore, appointed to the post of EDDA. Since the applicant was appointed only on



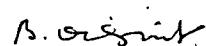
4

provisional basis, his services were terminated when the post was filled on regular basis. In view of this submission, the OA is without any merit and deserves to be dismissed.

5. We have heard both the learned counsel for the rival contesting parties. The learned counsel for the respondents has produced the original record of selection made for the post of EDDA. We have perused the records and are satisfied that the 5th respondent is educationally better qualified than the applicant and has therefore rightly been selected by the official respondents for appointment as EDDA. Since the applicant was appointed only as a stop gap arrangement till the regular appointment is made, The official respondents are justified in terminating his services, when the regular incumbent joined the post.

6. For the reasons stated above, the OA is devoid of merit and is accordingly dismissed. No costs.


(M.P. SINGH)
MEMBER (A)


(BIRENDRA DIKSHIT)
VICE CHAIRMAN

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