

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 387/1998.

Tuesday, this the 26th day of February, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman,
Hon'ble Smt. Shanta Shastry, Member (A).

Rajendra Dhudku Savle,
N-31/A-2/2/10, Vijay Nagar,
Saptashrungi Chouk,
Navin C.I.D.C.O. Nashik,
Nashik - 422 009.Applicant.
(By Advocate Shri S.P.Kulkarni)

v..

1. Union of India through
Chief Postmaster General,
Maharashtra Circle, Old G.P.O.
Building, 2nd Floor, Fort,
Mumbai - 400 001.
2. Senior Superintendent of Post Offices,
Nashik Postal Division,
At P.O.
Nashik - 422 001.
3. Branch Recruiting Officer,
Branch Recruitment Office,
At P.O. Colaba,
Mumbai - 400 005.
4. Major N.G.Nair Officer-in-Charge,
P & T Administration Cell,
C/o. 56 APO, Kamptee,
Kamthi - 441 001 (H.O.).
5. Postmaster General,
Aurangabad Region,
AT P.O. Aurangabad - 431 002.
(By Advocates Shri S.S.Karkera and
Shri V.S.Masurkar for 1, 2, 5 and
3, 4 respectively)Respondents.

: ORDER (ORAL) :

Smt. Shanta Shastry, Member (A)

The applicant was appointed as Postal Assistant exclusively for deputation to Army Postal Service vide order dt. 16.10.1997. The applicant was required to undergo medical

fitness test. He accordingly appeared in the medical test, but he was declared unfit for the Army Postal Service. On his giving such an application, the respondents have cancelled his appointment order vide order dt. 6.3.1998. Applicant is aggrieved by the aforesaid order.

2. It has now been brought to our notice that OA No.266/99 containing similar issue and facts was disposed of by this Tribunal on 3.12.2001 in Aurangabad. It was held in this OA that the Recruitment was not for the Postal Department, but for Army Postal Service. The postal department was only conducting the selection and it was made clear in the written statement of the Respondents, that if subsequent to the medical test being conducted, the applicant was found unfit in physical measurement, he had no enforceable legal right to appeal the respondents to retain him in the Army Postal Service. The Tribunal, while disposing of the OA also observed that the best that can be done for him is that if and when he applies for appointment in Postal Department, the Respondents should examine the claim in accordance with Rules and Instructions. According to us, the applicant's case is fully covered by the Judgment in OA No.266/99. Accordingly, OA is dismissed and we also observe that in case the applicant applies for appointment in Postal Department, the Respondents shall examine the prayer in accordance with Rules and Instructions. No costs.

Shanta S
(SHANTA SHASTRY)
MEMBER(A)

Ashok Agarwal
(ASHOK AGARWAL)
CHAIRMAN

B.

Applicant (s)

~~Order/Judgement despatched~~
to Applicant Respondent (s)

on 21/12/02

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