

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 31/98

Date of Decision: 27.2.1998

S.J.Deshmukh

.. Applicant

Shri S.P.Kulkarni

.. Advocate for
Applicant

-versus-

Union of India & Ors.

.. Respondent(s)

Shri S.S.Karkera for Shri P.M.Pradhan Advocate for
~~for R-1 to 3. Shri T.S.Ingle~~ Respondent(s)
for R-4 & 5.

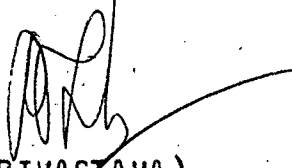
CORAM:

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

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

(1) To be referred to the Reporter or not ? *W*

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


(P.P.SRIVASTAVA)
MEMBER (A)


(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 31/98

Friday this the 27th day of February, 1998

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

Shrikant Jaywant Deshmukh
R/o Sajgaon Taluqa, Raigad.
Pin: 410 203.

By Advocate Shri S.P.Kulkarni ... Applicant

V/S.

1. Union of India
through
Superintendent of Post Offices,
New Bombay Division at Panvel.
2. Asstt. Supdt. of Post Offices,
Panvel Sub-Div, Panvel-410 206.
3. Postmaster General Mumbai Region,
O/O the Chief Postmaster General
Maharashtra Circle, Mumbai.
4. Shri Pravin Gopinath Deshmukh
at PO Sajgaon, Tal. Khalapur
via-Shilphata SO, Dist. Raigad.
5. Shri Mohan Laxman Patil, EDA II,
At P.O. Sajgaon, Tal. Khalapur,
(Shilphata, Dist. Raigad).

By Advocate Shri S.S.Karkera ... Respondents
for Shri P.M.Pradhan for R-1 to 3.
Shri T.S.Ingle for R-4 & 5.

ORDER

(Per: Shri Justice R.G.Vaidyanatha, VC)

In this OA, the applicant is challenging the appointment of Respondent No. 4 as Extra-Departmental Branch Post Master at Sajgaon and seeks other consequential reliefs. Respondents No. 1 to 4 have filed separate replies opposing the OA. Respondent No. 5 has remained unrepresented. We have heard both sides regarding admission and interim relief since the point involved is short point.

2/-

2. The applicant is working on temporary basis as EDBPM Sajgaon since January, 1997. Now the respondents have initiated process for filling up that post regularly. The names of applicant, Respondent No. 4 and others were considered and Respondent No. 4 came to be selected. Being aggrieved by the order, the applicant has approached this Tribunal.

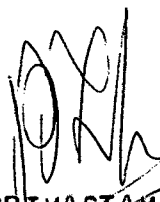
3. After hearing both sides and after perusing the file produced by the respondents, we find that applicant, Respondent No. 4 and other candidates have been considered by the competent authority and in the interview Respondent No. 4 got more marks than the applicant and on that basis Respondent No. 4 has been regularly selected to the post of EDBPM. We do not find any illegality or infirmity in the selection of Respondent No. 4. No case is made out by the applicant to show that his name was not considered for selection to the post of EDBPM. We do not find any merit in the OA. challenging the appointment of Respondent No. 4.

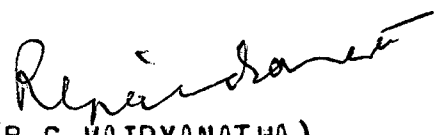
4. Another grievance made by the learned counsel for the applicant is that applicant has already served for more than one year as EDBPM and there are two posts of E.D.Delivery Agent I and E.D.Delivery Agent II and he is entitled to be considered for one of those posts. It appears that Respondent No. 5 is working as E.D.A.II and another person is working as E.D.A.I. The learned counsel for the respondents on instructions from the

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Department states that the department has already initiated process for regular appointment of E.D.A. I and E.D.A. II and indent has been sent to the concerned Employment Exchange for sending the names. He also submits that if the applicant's name is sponsored by Employment Exchange, he will be considered along with other candidates as per rules. He also states that the applicant will be considered for appointment as E.D.A. I and E.D.A. II if the name is sent by Employment Exchange and if he is found suitable for the post.

5. In the result, the OA. is rejected by stating that no case is made out with regard to appointment of Respondent No. 4. But the applicant is entitled to be considered for the post of E.D.A. I and E.D.A. II in the light of the observations made in this order. Ad interim relief earlier granted in this case is hereby vacated. The respondents are directed to expedite the process of regular appointment of E.D.A. I and E.D.A. II as early as possible and take a decision within a period of two months. In the circumstances of the case, there will be no orders as to costs.


(P.P. SRIVASTAVA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

mrj.

(5)