

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 950/98

Date of Decision: 28/4/99

Shri Vinod Naresh Patil Applicant.

Shri S.P.Inamdar Advocate for
Applicant.

Versus

Union of India & 20rs. Respondent(s)

Shri V.S.Masurkar 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
(R.G.VAIDYANATHA)
VICE CHAIRMAN

abp.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 950/98.

DATED THE 28TH DAY OF APRIL, 1999.

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

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

Shri Vinod Naresh Patil, Group 'C',
Ex.E.D.B.P.M., Agrav, E.D.B.O.,
At & Post : Agrav, Via-Chaul, S.O.-402202
Tal.District-Alibag (Raigad).

... Applicant.

By Advocate Shri S.P. Inamdar

v/s.

1. Union of India, through
the Director Postal Services,
Mumbai Region, Mumbai,
C/o.The Chief Post Master General,
Maharashtra Circle,
Mumbai - 400 001.

2. Superintendent of Post Offices,
Raigad Division,
Alibag - 402 201.

3. Shri Dattatray Chintaman Lohar,
E.D.B.P.M., Agrav, At & Pst Agrav,
E.D.B.O., Via-Chaul S.O.-402202,
Tal.Alibag,
District:Raigad, Alibag.

... Respondents.

By Advocate Shri V.S. Masurkar.

I O R D E R I

[Per Shri R.G. Vaidyanatha, Vice Chairman]

The applicant is challenging the appointment of respondent No.3 as E.D.B.P.M. Respondents have filed reply opposing the application. We have heard the learned counsels appearing on both sides regarding admission.

The applicant who has been working as E.D.B.P.M. as a stopgap arrangement applied for selection. There were 5 candidates. Respondent No.3 has been selected. Being aggrieved by this, the applicant has approached this Tribunal.

2. The main grievance of the applicant as pressed by the counsel for applicant is that applicant's past service

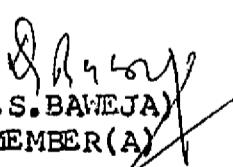
for

has not been taken into consideration while making the selection.

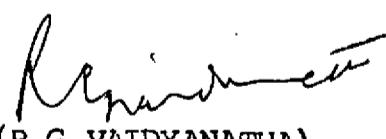
As per the rules, the selection is to be done on the basis of marks ~~as~~ the the S.S.C examination which is the minimum qualification for the post. As per ^{document at} page-54 produced by the respondents, respondent No.3 has obtained 61.7% in S.S.C. examination. The applicant is at Sr.No.3 in the chart having obtained 51.8%. Therefore the third respondent has been selected on merit having obtained 61.7% in S.S.C. examination. Hence, the applicant cannot have any grievance when the selection has been made on merits.

3. The arguments of the learned counsel for ^{not being considered} applicant that his past service ^{has no merit} is wrong. The applicant's past service as a stopgap arrangement cannot be taken into consideration while making a regular selection. There is no rule brought to our notice to show that the service rendered during stopgap arrangement should be considered while making a regular selection. Therefore, in our view, the applicant's challenging ^{to} appointment of respondent No.3 has no merit as respondent No.3 is selected based purely on merit.

4. In the result, the application is rejected at ^{the} admission stage. No costs.


(D.S. BAWEJA)

MEMBER(A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.