

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

O.A. No. 796/88

Date of decision: 7.12.93

RAM KISHAN

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. D.N. Sharma

: Counsel for the applicant.

Mr. V.S. Gurjar

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Judicial Member

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. GOPAL KRISHNA, JUDICIAL MEMBER:

Applicant, Ram Kishan, has filed this application U/S 19 of the Administrative Tribunals Act, 1985, praying that his services in the post of Extra-Departmental Branch Post Master, Post Office Makarwali, Tehsil & District Ajmer may not be terminated otherwise than in due course of law and without complying with the mandatory provisions of law.

2. The facts give rise to this application are that the applicant was appointed as E.D. Branch Post Master on 3.9.85 on monthly basis. Subsequently, the Senior Superintendent of Post Offices, Ajmer Circle, Ajmer invited applications for the said post and the applicant, in response to it, applied for the same as he fulfilled the requisite qualifications. However, he came to know that Mohan Singh Rathore is being appointed ignoring the applicant's claim to the said post. It is pleaded by the applicant that he has the first and preferential right to be appointed to the post in question permanently on the basis of his having served the Department for the last more than three years and his eligibility to appear in the Departmental Examinations for permanent absorption in regular service as Mail Peon or Postman.

3. On the contrary, the respondents' case is that since the post of Extra-Departmental Branch Post Master had

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fallen vacant on removal of the earlier incumbent Shri Nand Lal, applications were invited and only the applicant's application was received. In the meanwhile, one Shri Kishan Singh had informed that the applicant was not distributing the dak properly and a case No. 215/86 U/S 147, 447, 379, 461, 149 and 427 of the Indian Penal Code was pending investigation with the Police Station Christianganj and no explanation could be given by the applicant for the same and, as such, he was <sup>not</sup> found suitable for being absorbed on regular basis in the post of Extra-Departmental Branch Post Master. Thereafter, the Senior Superintendent of Post Offices, Ajmer requested the Employment Exchange Officer, Ajmer to sponsor the names of persons for being considered for appointment to the post of E.D. Branch Post Master of Makarwali. The name of the applicant was not sponsored and ultimately Shri Mohan Singh Rathore was selected for appointment on the said post by the respondents.

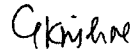
4. We have heard the learned counsel for the parties and carefully perused the record.

5. It transpires from the charge report (Annexure A-2) that the charge of the post of E.D. Branch Post Master was handed over by Girdhari Lal to the applicant on 3.9.85 and that the applicant was temporarily engaged as a stop-gap arrangement to carry on the work of E.D. Branch Post Master at Makarwali. It is evident that no regular appointment was given to the applicant and in terms of the Director General, Posts and Telegrams, New Delhi letter no. 45-22/71-SPB-I/Pen, dated 4th September, 1982, selection for appointment to the said post should be made <sup>from</sup> amongst the sponsored candidates from the Employment Exchange. As Shri Mohan Singh Rathore was duly selected for appointment vide Annexure A-1, the applicant had to make room for him since he had no right to hold the post against a regular employee.

6. In view of the above discussion, we find no merit in this application and it is, therefore, dismissed, with no order as to costs.



( O.P. SHARMA )  
Administrative Member



( GOPAL KRISHNA )  
Judicial Member