

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 22.9.93.

OA 1018/92
(OA 625/89)

JASWANT SINGH

... APPLICANT.

v/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON. MR. B.B. MAHAJAN, MEMBER (A).
HON. MR. GOPAL KRISHNA, MEMBER (J).

For the Applicant ... NONE.

For the Respondents ... SHRI V.S. GURJAR.

PER HON. MR. B.B. MAHAJAN, MEMBER (A).

The applicant, Jaswant Singh, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, on the apprehension that his services would be terminated on selection of regular Post Master. The applicant stated that he was appointed as Branch Post Master on 13.4.88. His work was found satisfactory and in the Inspection report, recommendations were made for regular appointment in favour of the applicant. He has also completed 240 days' service. The respondent No.3 is interested in appointing respondent No.4 in his place and therefore giving training to respondent No.4 which would be completed on 8.8.89. He apprehended that thereafter his services will be terminated. He has prayed for direction to the respondents No.1 to 3 not to terminate his services without due process of law.

2. The respondents have stated in the reply that the applicant was never appointed as Branch Post Master. He was

only temporarily engaged as Branch Post Master due to the resignation submitted by the previous incombent Shri Ranjeet Singh. They notified vacancies to the Employment Exchange in accordance with the prescribed procedure and thereafter made selection. The applicant did not submit his application for the post. The respondent No.4 had been selected after following the prescribed procedure and had to be given appointment on regular basis.

3. None is present on behalf of the applicant, although the case is listed for hearing today. None was present on the last occasion also. We have heard the learned counsel for the respondents and also perused the records.

4. The applicant has not produced any letter of appointment. The charge report filed by him (Annexure A-1) also shows that he had taken over charge "in accordance with the resignation produced by Shri Ranjeet Singh". ~~He, it~~ therefore, corroborates the version of the respondents that the applicant had been only temporarily given this charge pending regular selection. Since the respondent No.4 had been regularly selected, he had to be given appointment after terminating the services of the applicant in accordance with the law. As pointed out by the learned counsel for the respondents, the plea of non-compliance of the provisions of Section 25F of the Industrial Disputes Act taken in ground (b) was premature, as admittedly the services of the applicant had not yet been terminated. The applicant has been continuing in service in view of the stay order granted by the Tribunal on 8.8.89. He has however no right to the post and he has to give way to respondent No.4 who has been duly selected. The applicant's services, however, ~~are~~

(b)

to be terminated only in accordance with law.

5. With these observations, the OA stands disposed of and the stay already granted stands discharged. The parties to bear their own costs.

Gopalkrishna
(GOPAL KRISHNA)
MEMBER (J)

R. Mahajan
(B.B. MAHAJAN)
MEMBER (A)