

C. A. T. Bench, JAIPUR

Date of Order

OA 159/91

Orders

15.10.92

Mr. Hanuman Chaudhary Counsel for the Applicant.

Mr. U.D. Sharma - Counsel for the respondents

This application has been filed against termination of services of the applicant from the post of Extra-Departmental B.P.M. on appointment of a regularly selected candidate.

2. The ^{applicant} candidate vide Annexure A-1 dated 29.5.91 had been provisionally appointed to the post of Extra-Departmental B.P.M. for a period from 13.4.91 to 30.6.91 or till regular appointment is made whichever is shorter. The respondents have stated in their reply that regular selections were made and only three persons, including the applicant, had applied and Respondent No. 5 was found fit on consideration of his merits.

3. We have heard the counsel for the parties.

4. The appointment of the applicant was only on provisional basis subject to the regular selection being made. Since Respondent no. 5 was regularly selected, the applicant had to give way to him. The case is covered by Section 2(oo)(b) of I.D. Act and is, therefore, not a case of retrenchment. No illegality, in this case, has been committed which may justify interference by the Tribunal:

5. The O.A. is accordingly dismissed.

(B.B. MAHAJAN)
Administrative Member

(D.L. MEHTA)
Vice-Chairman

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vide 6462 . Date 15-11-92