

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No.476/93

Date of order: 07.04.1999

Shri Gopal Pareek S/o Shri. Bhanwar Lal, aged about 25 years, working on the post of E.D.Branch Postmaster, Rehlana, under Supdt. of Post Offices, Jaipur Mofussil Division, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Director Postal Services, Jaipur Region, Jaipur
4. Superintendent of Post Offices, Jaipur Mofussil Division, Jaipur.
5. Kailash Chand Laxkar S/o Shri Gopal Lal, Village and post Rehlana via Dudu, Distt Jaipur.

.. Respondents

Mr. K.L.Thawani, counsel for the applicant

Mr. Asgar Khan, Briefholder for

Mr. M.Rafiq, counsel for the respondents

CORAM

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Shri Gopal Pareek has filed this application under Section 19 of the Administrative Tribunals Act, 1985 assailing the impugned order Ann.Al by which respondent No.5 namely Kailash Chand Laxkar was approved for the post of EDBPM, Rehlana.

2. We have heard the counsel for the applicant and Mr. Asgar Khan, Briefholder for Mr. M.Rafiq, counsel for the respondents. Records of the case have been carefully perused.

3. The case of the applicant is that he was working as Extra Departmental Branch Postmaster (EDBPM), Rehlana w.e.f. 20.4.93 against a clear vacancy. It is also stated by the applicant that he was persuaded by the Mail Overseer to work as EDBPM, Rehlana as no candidate was forthcoming for the post. It is contended by the applicant that he possesses the requisite educational qualifications for appointment as EDBPM and his dis-engagement from service is arbitrary and unconstitutional. The order at

Ann.A2 dated 19.4.93 indicates that the applicant was appointed on temporary basis to the post of EDBPM. He worked as such till he was dis-engaged from service on 27.8.93. The mere fact that the applicant had worked on the said post from 20.4.93 to 27.8.93 does not confer upon him any right to hold the said post. His appointment was made on temporary basis. Respondent No.5 was duly selected to the post of EDBPM, Rehlana and approved vide the memo dated 5.8.93. We do not find any infirmity invalidating the appointment of respondent No.5 to the said post.

4. This application has no substance. It is, therefore dismissed with no order as to costs.

*Gopal Singh*

(GOPAL SINGH)

Administrative Member

*Gopal Krishna*

(GOPAL KRISHNA)

Vice Chairman