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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 25.7.95.

OA 327/95

Jugal Kishore Sharma s/o Shri Badrilal, aged 26 years, EDBPM, Gambhira, Distt. Sawai Madhopur.

...APPLICANT.

VERSUS

1. Union of India through the Secretary to the GOI, Deptt. of Posts, Ministry of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Director Postal Services, Jaipur Region, Jaipur.
4. Supdt. of Post Offices, Sawai Madhopur Division, Sawai Madhopur.

... RESPONDENTS.

CORAM:

HON'BLE MR. O.P. SHARMA, MEMBER (A)

HON'BLE MR. PATTAN PFAKASH, MEMBER (J)

For the Applicant ... Mr. K.L. Thawani

For the Respondents ... _____

O R D E R

PER HON'BLE MR. O.P. SHARMA, MEMBER (A)

In this application u/s 19 of the Administrative Tribunals Act, 1985, Shri Jugal Kishore Sharma has prayed that the respondents may be restrained from terminating the services of the applicant, as such termination would be violative of the Articles 14 and 16 of the Constitution, principles of natural justice and the provisions of Chapter V of the Industrial Disputes Act, 1947. He has further prayed that the respondents may be directed to consider the applicant for regular appointment as EDBPM, Gambhira, giving due weightage to the continuous service of the applicant for one year.

2. The case of the applicant is that he was appointed as EDBPM, Gambhira Post Office, vide Annexure A-1 dated 18.7.94. Thereafter, his services have been extended by Annexures A-2 and A-3, both dated 18.1.95. The applicant still continues on the post of EDBPM at the said Post Office. The respondents have initiated the process of regular selection for filling up the posts of EDBPM by issuing Annexure A-5 dated 1.2.95. They also called upon the applicant vide Annexure A-4 to submit

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particulars regarding his candidature also. The applicant has also submitted his application, which has been duly forwarded. Applicant's claim is that he has passed Senior Secondary (Academic) Examination of Board of Secondary Education, Rajasthan, which is equivalent to the minimum educational qualification prescribed for recruitment to the post of EDBPM. He also possesses experience for the said post and is, therefore, eligible for being considered for appointment as EDBPM on a regular basis. He, however, apprehends that his services may be terminated by the respondents before a regularly selected candidate is available to fill up the post and that his experience as EDBPM may not be taken into account for the purpose of selection. Therefore, apart from the above other reliefs claimed by him, he has also prayed that the respondents may be restrained from terminating his services and not to make any regular recruitment to the post of EDBPM, Gambhira.

3. We have heard the learned counsel for the applicant and have gone through the material on record.

4. Admittedly, the appointment of the applicant is on ad hoc basis and it will continue till such time as a regularly selected candidate is available to fill up the post. The process of selection has already been initiated and the applicant has also applied for selection. Unless the process of selection is complete, it cannot be said that the selection is unfair or that due consideration has not given to the applicant in the matter of selection. Therefore, this application is premature. Also no basis have been indicated about the apprehended termination by the applicant pending appointment ^{of} a regularly selected candidate. The interim relief claimed by the applicant is not that he should be allowed to be continue till a regularly selected candidate is available but that the respondents should be restrained from terminating his services and from making any regular recruitment for the post of EDBPM, Gambhira. There is no justification for claiming an absolute relief of this nature. The applicant has also made a representation for being regularised (Annexure A-9 dated 9.6.95). This representation is also still pending. This further shows that the applicant's application is premature.

5. In the above circumstances, the OA is dismissed at the

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admission stage.


(PATTAN PRAKASH)

Member (J)


(O.P. SHAFI)

Member (A)

VK