

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 30.08.2000

OA.No.148/96

Om Prakash Bavri S/o Shri Ranjeet, r/o Village and Post Office Pinglod vis Salimabad and working as Extra Departmental Branch Postmaster, Pinglod.

.. Applicant

V e r s u s

1. Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communications, New Delhi..
2. Director Postal Services, Rajasthan Southern Region, Ajmer.
3. Sr. Superintendent of post Office, Ajmer Postal Division, Ajmer
4. S.R.Sharma, Senior Superintendent of Post Offices, Ajmer Postal Division, Ajmer.
5. Prahalad Jat, Village and Post Offices, Pinglod via Salimabad, Distt. Ajmer.

.. Respondents

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

Mr.V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. N.P.Nawani, Administrative Member

In this Original Application, the applicant seeks quashing of impugned order dated 28.2.96 by which one Shri Prahalad Jat has been appointed as Extra Departmental Branch Postmaster (for short EDBPM), Pinglod. It has been prayed that

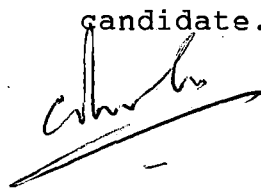


the respondents be directed to make fresh selection for filling up the said post on regular basis by giving due weightage of the work carried by the applicant as EDBPM on provisional basis,

2. The respondents in their reply had stated that the applicant was appointed to work as EDBPM, Pinglod purely on provisional basis with a clear understanding that his services could be terminated when regular appointment is made and he shall have no claim for such appointment. The regular appointment of respondent No.5 was made as per relevant rules and merit and after respondent No.5 had secured highest percentage in matriculation examination amongst all the candidates who had applied for the post. The selection for respondent No.5, therefore, was perfectly legal, valid and fair. There was no arbitrariness or extraneous consideration as alleged by the applicant in such selection.

3. We have heard the learned counsel for the parties and have also carefully examined the material on record.

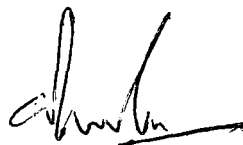
4. This Bench of the Tribunal has recently decided a number of OAs with similar controversy. These cases also involved making of provisional arrangements to run the ED Post Office by issuing provisional appointment pending a regular selection and discontinuation of such provisional appointment on regular appointment. It was held in such cases that a provisional appointment in such situation was just a stop gap arrangement in order to keep the post office running and such provisional appointee had absolutely no right on the post and had to vacate on appointment of the regularly selected candidate. Further, in the Full Bench Judgment of the



Bangalore Bench of the Tribunal reported in 2000(2) ATJ 259, D.M.Nagesh v. Assistant Superintendent of Post Offices, the decision of Full Bench given in G.S.Parvati's case, which provided for weightage to be given for the experience gained by E.D.Agents appointed as substitute was found to be unsustainable and accordingly over-ruled and it was held that the E.D.Agents are not entitled to the benefit of circular dated 6.6.88 which provides for preference to E.D.Agents completing the service of 240 days or more in an year and no weightage for experience can be given.

5. We, therefore, follow the decision in one such recent case, in OA No.26/95, Bhanwar Lal Sharma v. Union of India and ors., rendered on 3.8.2000 and accordingly decide this OA with following order:-

The OA is dismissed with no order as to costs.

  
(N.P.NAWANI)

Adm. Member

  
(S.K.AGARWAL)

Judl.Member