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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.275/96

Date of order: 11.8.2000

Ganpat Lal Pareek, S/o Shri Ramdev Fareek, R/o VSP Furad, Malpura,
Distt.Tonk, Rajasthan.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Mini. of Communication, Postal Deptt, Central Secretariat New Delhi.
2. The Chief Post Master General, Postal Department Rajasthan, Jaipur
3. Supdt of Post Offices, Tonk Division, Tonk.
4. District Employment Officer, Tonk.
5. Ram Chander Jatav, S/o Shri Ghashi Lal Jatav, Moti Bagh, Bada Beda, Tonk.

...Respondents.

Mr.F.S.Asopa)- Counsel for applicant

Ms. Ashish Joshi)

Mr.M.Rafiq)- Counsel for respondents No.1 to 3

Mr.Hemant Gupta)

CORAM:

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

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

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash the selection proceedings and order of appointment dated 25.3.96 issued in pursuance thereof for the post of EDEPM/BPM, Furad and direct the respondents to continue the applicant in service till he is considered for regular selection for the post of EDEPM.

2. In brief facts of the case as stated by the applicant are that father of the applicant was working as EDEPM, Furad and he retired from the post on 12.10.95 after attaining the age of superannuation. During the service tenure of his father the applicant worked as EDEPM as and when his father went on leave. It is stated that on superannuation of his father charge of EDEPM Furad was given to the applicant and he is holding the post. But he has come to know that regular selection is being made on the post. It is stated that the applicant's name is registered with Employment Exchange, Tonk and he submitted an application alongwith necessary documents to consider him for regular appointment on the post of EDEPM, Furad. It is stated that respondent No.4 has not sponsored his name the post of EDEPM, Furad and the respondents have not considered the candidature of the applicant for the post of EDEPM, Furad but appointed respondent No.5, Ram Chander Jatav

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vide order dated 25.3.96 which is liable to be quashed and set aside being violative of Articles 14 & 16 of the Constitution. It is further stated that the selection proceedings are also liable to be quashed. Therefore, the applicant files the O.A for the relief as mentioned above.

3. Separate reply was filed for respondents No.1 to 3 and respondent No.4. Respondents No.1 to 3, in the reply has stated that Sh;ri Ram Deo Pareek, father of the applicant was retired on 10.12.95, on attaining the age of superannuation and the applicant was provisionally given the charge of EDEPM till regular arrangement is being made. It is stated that the regular process of selection was initiated and names from Employment Exchange, Tonk, were called and names of 20 candidates were sponsored wherein the name of the applicant was not included. It is stated that respondent No.5 was selected as EDEPM Kurad, on 1.1.96. After verification of character antecedents and other records, Shri Ram Chander Jatav was appointed and taken over the charge of EDEPM on 11.5.96 from the applicant. It is further stated that the selection process was made as per the recruitment rules, therefore, the order of appointment is in no way unreasonable, arbitrary and violative of Articles 14 and 16 of the Constitution and so also there is no basis to quash the selection proceedings. It is stated that the applicant worked as stop gap arrangement only, therefore, he is not entitled to continue on the post of EDEPM, Kurad and this O.A is devoid of any merit and liable to be dismissed.

4. Reply was also filed by respondent No.4. It is stated that names of 20 eligible candidates were sent to the respondents in response to the notification in the order of merit. They were registered during the year 1985 and 1986 whereas the applicant was registered in the year 1993.

5. Heard the learned counsel for the parties and also perused the whole record.

6. It is not disputed that the applicant worked on the post of EDEPM Kurad on provisional basis during leave period of his father and after superannuation of his father till the regularly selected candidate joined on the post. This was only a stop gap arrangement, therefore, on the basis of the experience gained by the applicant, he was not entitled to any weightage and on this basis the applicant was not entitled to any regularisation on the post as the recruitment rules do not permit regularisation of ED Agents who worked on ad hoc, 'provisional, 'temporary, 'substitute basis. It is also abundantly clear from the pleadings of the parties that the regular process of selection was initiated after following the due process of selection and Shri Ram Chander Jatav was selected and the applicant's name could not be sponsored by the.

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Employment Exchange as only candidates registered in the year 1985 and 86 were sponsored whereas the applicant registered in the Employment Exchange in the year 1993. No other infirmity in the process of selection was alleged/noticed.

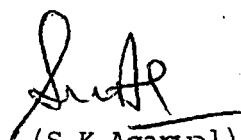
7. In view of the above, we do not find any basis to quash and set aside the order of appointment issued in favour of respondent No.5, Shri Ram Chander Jatav and the selection proceedings prepared in pursuance of the selection for the post of EDEPM, Kurad and the applicant has no case for interference by this Tribunal.

8. We, therefore, dismiss the O.A with no order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).