

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 22.5.2000

OA 328/96

Birdhi Chand Lakhera, EDBPM, Mendwas, Tehsil Phagi, District Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Communication, Deptt. of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Deptt. of Posts, Jaipur.
3. Supdt. of Post Offices, Jaipur (Muffilis) Division, Jaipur.
4. Shri Maruti Nandan Sharma s/o Shri Jagdish Narain Sharma r/o Mendwas via Phagi, District Jaipur.

... Respondents

CORAM:

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

HON'BLE MR.V.SRI KANTAN, ADMINISTRATIVE MEMBER

For the Applicant ... None

For the Respondents ... Mr.Hemant Gupta, proxy
counsel for Mr.M.Rafiq

O R D E R

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

In this OA the applicant makes a prayer to quash and set aside the impugned order dated 26.4.96, at Ann.A/1, issued by respondent No.2, and to direct the respondents to consider the applicant's application submitted in pursuance of the advertisement dated 26.9.95 and give appointment to the applicant on the post of EDBPM, Mendwas.

2. The facts of the case, as stated by the applicant, are that Shri Ramesh Chandra Jorawat resigned from the post of EDBPM, Mendwas, on account of his selection in permanent regular job in government service. Therefore, charge of the said post was given to the applicant on 30.6.95. It is stated that respondent No.2 issued a notification for making regular appointment on the post of EDBPM, Mendwas, and invited applications. The applicant also submitted an application for regular appointment on 20.10.95 mentioning that he has worked on the post from 15.12.86 to 30.12.86 and since 30.6.95 he is regularly working on the post. But the respondents did not consider the candidature of the applicant and appointed one Shri Maruti Nandan Sharma, who has also not joined so far. It is stated that on the basis of earlier work of the applicant from 15.12.86 to 30.12.86 and since 30.6.95, the applicant was entitled to be considered on the post of EDBPM, Mendwas, and denial to give him appointment was patently illegal, arbitrary

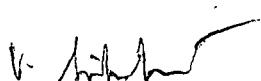
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and unconstitutional.

3. Reply was filed. In the reply it is stated that the applicant was given charge of the post of EDBPM, Mendwas, as a stop-gap arrangement only and as substitute purely on temporary and provisional basis till the regular arrangement is made. It is also stated in the reply that according to the advertisement issued for selection on the post, the selected candidate has already joined on 18.5.96 and no separate orders terminating the provisional appointment of the applicant was necessary. Therefore, in view of the reply filed in this OA, a prayer has been made to dismiss this OA with costs.

4. Heard the learned counsel for the respondents and also perused the whole record. On the perusal of reply filed by the respondents it is abundantly clear that the applicant was given charge of the post as a stop-gap arrangement on substitute/provisional basis till the regularly selected candidate does not join. In the reply it has also been made clear that the applicant was also considered but he was not found of merit. According to the reply filed by the respondents, it is also clear that a regularly selected candidate has already joined on 18.5.96. Therefore, in our considered view, the applicant has no case for interference by the Tribunal and this OA is devoid of any merit and is liable to be dismissed.

5. We, therefore, dismiss this OA as devoid of any merit with no order as to costs.


(V.SRI KANTAN)
MEMBER (A)


(S.K.AGARWAL)
MEMBER (J)