

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.366/96 Date of order: 12.9.2001

Brij Mohan Snarma, S/o Shiv Karan, V&Post Tiwari ki
Dhani No.2, Distt.Sikar, Ex-Branch Postmaster.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Mini.of Communication, Deptt of Posts, New Delhi.
2. Director Postal Services, Rajasthan Western Region, Jodhpur.
3. Supdt.of Post Offices, Sikar Division, Sikar.
4. Bhopal Singh, S/o Rameshwari, EDBPM, Tiwari ki Dhani No.2, Distt.Sikar.

...Respondents.

Mr.K.L.Thawani : Counsel for applicant

Mr.Bhanwar Bagri : for respondents.

CORAM:

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

Hon'ble Mr.S.A.T.Rizvi, Administrative Member.

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

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to quash the oral order of termination of the applicant and direct the respondents to consider the applicant for appointment on the post of EDBPM at Tiwari ki Dhani on regular basis by giving due weightage of his provisional appointment.

2. In the reply it is stated by the respondents that the applicant was engaged as EDBPM as stop-gap arrangement from 1.4.95 to 4.4.96. The applicant was never appointed against any clear vacancy and he was only a provisional

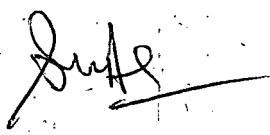
appointee of the post. It is stated that a regular process of selection was initiated for appointment on the post of EDBPM, Tiwari ki Dhani by Sub-Divisional Inspector, Srimadhopur and respondent No.4 was selected on the post and accordingly the applicant was relieved from the post in the afternoon of 4.4.96. It is stated that no weightage can be given to the applicant according to the rules/law for the experience which he has gained as provisional appointee on the post of EDBPM, Tiwari ki Dhani. Therefore, the applicant has no case.

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

4. Admittedly, the applicant was only appointed on provisional basis as stop-gap arrangement on the post of EDBPM, Tiwari ki Dhani till a regularly selected candidate joins. It is also an undisputed fact that regular process of selection was initiated and in pursuance of the regular process of selection respondent No.4 was appointed and he joined the post and due to his selection/joining the applicant was relieved from the post of EDBPM, Tiwari ki Dhani, in the after-noon of 4.4.96.

5. The learned counsel for the applicant vehemently urged that the applicant should have been given weightage of his experience while making selection on the post of EDBPM, Tiwari ki Dhani on regular basis to which the learned counsel for the respondents has objected.

6. In D.M.Nagesh Vs. UOI & Ors, 2000(2) ATJ 259, it was held by Full Bench CAT, Bangalore, that no weightage can be given to the applicant for his experience on the post of ED Agent on provisional/temporary/substitute basis.



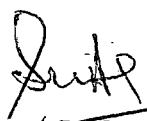
7. In Supdt.of Post Offices & Ors Vs. E.Kunhiraman Nair Muliya, (1998) 9 SCC 255, it was held by Hon'ble Supreme Court that temporary and provisional appointment of EDBPM with stipulation that the same would be terminable at any time without assigning any reason and that his services would be governed by P&T EDA(S&S) Rules. Termination of such appointment on administrative grounds whether the time limit as contained in Rule 6 of the said rules held the termination simpliciter and not stigmatic, hence did not attract Art.311 of the Constitution of India.

8. In view of the settled legal position and facts and circumstances of this case, we are of the considered opinion that the applicant was not entitled to any weightage of his experience which he has gained by working on the post of EDBPM, Tiwari ki Dhani, on provisional basis. Moreover, we do not find any infirmity/illegality in the selection of respondent No.4 on the post of EDBPM, Tiwari ki Dhani, therefore, the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

9. We, therefore, dismiss this O.A having no merits with no order as to costs.


(S.A.T.Rizvi)

Member (A).


(S.K.Agarwal)

Member (J).