

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.485/97

Date of order:19.08.1999

Radhey Shyam Sharma S/o Shri Rameshwarlal aged about 53 years R/o J.P.Marg, Vyas Colony, Shastri Nagar, Jaipur.

...Applicant

vs.

1. Union of India through the Secretary, Department of Posts, Ministry of Communications, New Delhi.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Post Master, Head Post Office, Shastri Nagar, Jaipur.

...Respondents.

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

Mr. K.N.Shrimal, counsel for the respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

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

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Radheyshyam Sharma, in this application under Section 19 of the Administrative Tribunals Act, 1985, has sought a direction to the respondents for consideration of his name for selection on the post of Extra Departmental Agent (EDA).

2. We have heard the learned counsel for the parties and have carefully perused the records. The counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The applicant's case is that he has been working as Postman at the Head Post Office, Shastri Nagar, Jaipur in leave arrangements since 1.1.1985. His grievance is that two vacancies of EDA, occurring in the aforesaid post, are being filled up by calling names from the Employment Exchange, Jaipur and that non-consideration of the applicant alongwith other candidates, sponsored by the Employment Exchange, is arbitrary and violative of the provisions contained in Articles 14 and 16 of the Constitution. The respondents, on the other hand, have contended that the applicant has not been working against any leave arrangement since 1.1.1985 and he worked merely as a substitute *Chikhi* and, therefore, no legal right in his favour is created. It is

(b)

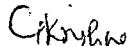
also stated that Shastri Nagar Head Post Office was opened only on 10.6.1985. The vacancies which have occurred have been filled up by the selected candidates who have already joined. It is further stated by the respondents that the name of the applicant having not been sponsored by the Employment Exchange, he could not be considered. Since the applicant has been working intermittently as a Postman between 1.1.1985 and 8.1.1992 vide Annexures A1 to A8, we consider it expedient, in the interest of justice, to direct the respondents to consider the applicant's name for appointment to the post of Extra Departmental Agent as per rules subject to his eligibility as and when vacancy of EDA in the Head Post Office, Shastri Nagar arises.

4. This application is disposed of accordingly with no order as to costs.



(N.P.NAWANI)

Adm. Member



(GOPAL KRISHNA)

Vice Chairman