

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 09.08.2000

(13)

OA No.250/98

Ganpat Lal S/o Raghu Nath, aged about 27 years, working as Extra Departmental Branch Post Master, Ladpur, District, Sikar.

.. Applicant

Versus

1. Union of India through the Secretary, Department of Posts, Ministry of Communications, New Delhi.
2. The Postmaster General, Rajasthan Western Region, Jodhpur.
3. The Superintendent of Post Offices, Sikar Division, Sikar.

.. Respondents

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

Mr. Hemant Gupta, Proxy counsel to Mr. M.Rafiq, 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. S.K.Agarwal, Judicial Member

In this Original Application filed under Section 19 of the Administrative Tribunals Act, applicant makes a prayer to direct the respondents not to terminate the services of the applicant without lawful process and respondents be further directed to consider the applicant alongwith other candidates sponsored by the Employment Exchange for the post of EDBPM, Ladpur. It is also prayed that respondents be directed to give weightage to the experience gained by the applicant as provisional appointee.

*[Signature]*

2. In brief, the facts of the case, as stated by the applicant, are that the applicant was provisionally appointed by oral order as Extra Departmental Branch Post Master, Ladpur on 21.3.1998. The applicant belongs to SC community. It is stated that applicant filed an application alongwith requisite documents to the Superintendent of Post Offices, Sikar for regular appointment but the Superintendent of Post Offices, Sikar called names from the Employment Exchange. It is also stated that applicant had passed the High School examination and possesses all the requisite qualifications for the post and he has worked satisfactorily on the post of EDBPM, Ladpur since 21.3.1998 and he is also entitled to weightage of work as provisional appointee. Therefore, applicant has filed this Original Application for the reliefs as mentioned above.

3. Reply was filed. In the reply it has been stated that to start with a new Post Office, the department urgently required to appoint a person on purely temporary basis. Therefore, applicant was appointed on 21.3.1998 and a declaration was obtained from him that if he is not selected on regular basis, he would give up the charge of the post of EDBPM, Ladpur to the selected person. It is stated that regular process of selection was started. Names of eligible candidates were sponsored by the Employment Exchange. The candidature of the applicant was also considered but applicant was not selected and a selected candidate, Shri Bhagwan Sahai Verma, having highest merit was allowed to join the post. It is stated that applicant has refused to comply with the orders of handing over charge and in the circumstances, a parallel Post Office was opened on 4.8.1998. Therefore, on the basis of the averments made in the reply, it is stated that applicant

*[Signature]*

has no case and this OA is liable to be dismissed.

4. Heard the learned counsel for the parties and perused the record.

5. It is not disputed that initially the applicant was engaged as EDEPM, Ladpur on purely temporary basis and an undertaking was also obtained from the applicant to the effect that he will not claim his right for the regular selection and he will hand over charge in case regularly selected candidate comes for joining the post. This undertaking appears to have been written by the applicant on 21.3.1998 which has been filed by the respondents with the reply as Ann.R1. It is also not disputed that a regular process was initiated for recruitment of EDEPM, Ladpur and after selection, a person having highest merit, Shri Bhagwan Sahai Verma, was selected and he has already allowed to work on the post of Ladpur w.e.f. 4.8.1998. In a recent judgment by the Bangalore Bench which is a Full Bench judgment, it has been held that no weightage can be given of the experience gained by the ED Agent as provisional, substitute or temporary. Therefore, as per the Full Bench judgment of the Bangalore Bench, applicant is not entitled to any weightage of the experience gained by him as a duly selected person after following the due process of selection has already been allowed to work on the post of EDEPM, Ladpur and he is working on the post w.e.f. 4.8.1998. Therefore, in the facts and circumstances of this case and the settled legal position, in our considered view the applicant has no case for interference by this Tribunal and the Original Application is liable to be dismissed.



6. We, therefore, dismiss this Original Application

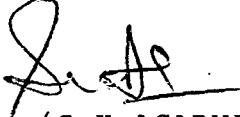
having no merits with no order as to costs.

Interim direction already operating shall stands vacated.



(N.P.NAWANI)

Adm. Member



(S.K.AGARWAL)

Judl.Member