

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order: 6.11.2000

OA 336/98 with MA 187/98

Maheshwar Dayal son of Shri Shambhu Dayal aged about 31 years resident of J.P. Colony, Rangpur Road, Kota Junction, Kota and working as Ex. EDDA Engineering College, P.O. Kota.

.... Applicant.

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Ministry of Communications, New Delhi.
2. Member (Personnel), Postal Services Board, New Delhi.
3. Chief Postmaster General, Rajasthan Circle, Jaipur.
4. Senior Superintendent of Post Offices, Kota Division, Kota.
5. Asstt. Superintendent of Post Offices, Kota West Sub Division, Kota.

.... Respondents.

Mr. K.L. Thawani, Counsel for the applicant.
Mr. Hemant Gupta, Proxy counsel for
Mr. M. Rafiq, Counsel for the respondents.

CORAM:

Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. N.P. Nawani, Member (Administrative)

ORDER

(PER HON'BLE MR. N.P. NAWANI, MEMBER (ADMINISTRATIVE))

Aggrieved by the termination of job as Extra Departmental Mail Carrier (for short EDMC) at the Engineering

...2/-

College Post Office vide order dated 17.6.1994 (Annexure A-5), the applicant has approached us praying for a direction to the respondents to reinstate him and regularise his appointment.

2. We have heard the learned counsel for the parties and perused all the records including the rejoinder taken on record prior to the hearing of the case.

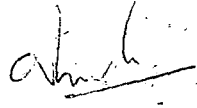
3. On consideration of the rival contentions, it appears that the applicant was engaged as EDMC on opening of a new Post Office at Engineering College on purely temporary basis pending selection of a regular candidate. He assumed charge on 20.2.93 (Annexure A-2). On 17.6.94, the Superintendent of Post Office informed the Sub-Postmaster that the temporary arrangement made by him regarding engagement of the applicant is to be discontinued with immediate effect (Annexure A-5). The charge of the EDMC was made over by the applicant on 18.6.94 (Annexure A-6). During the intervening period, the respondents proceeded to regularly fill up the post and accordingly selected one Shri Kishan Lal, after obtaining names from the Employment Exchange and going through the process of selection and by Annexure A-1 dated 19.9.1994 terminated the service of the applicant. The regularly selected candidate, Shri Kishan Lal, was appointed to the said Post on 21.9.94. There is no need for us to go into the details of Civil Suit and earlier OA filed by the applicant as these have no material bearing on the controversy at hand at this stage.

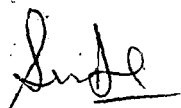
4. The termination order was issued on 19.9.94 but the applicant has filed this OA on 5.10.98 i.e. after a delay of more than four years. The representations filed by him on 2.11.94 and 10.4.97 neither extend the limitation nor do the reasons given in MA no. 187/98 convince us to condone the delay. The OA is, therefore, hopelessly barred by limitation and likely to be dismissed on this ground alone.

5. The OA also does not succeed on merits. The initial engagement of the applicant on 20.2.93 was temporary and in the nature of stop gap arrangement which created no right in favour of the applicant. The applicant also signed an undertaking regarding temporiness of his engagement and he was, therefore, aware that it was only a temporary arrangement. The respondents simultaneously proceeded to fill up the post on regular basis and as per the rules prevailing at the material time sought names of suitable candidates from the Employment Exchange, Kota (Annexure A-7 refers), which duly sponsored 20 names, which did not include the name of the applicant. No fault could obviously be pinned on the respondents for this. In his rejoinder, the applicant has stated that Selection cannot be restricted to candidates sponsored by the Employment Exchange but has not shown us any rule or authority to support such a contention. The applicant had to therefore vacate the post he held on temporary (stop-gap) arrangement basis in favour of regularly selected basis and we, therefore, do not find any merit in the assertion of the applicant that he should be reinstated and regularised on the said post.

6. The OA is, therefore, not only hopelessly barred by limitation but is also devoid of any merit and is accordingly

dismissed with no order as to costs. MA also stands disposed
of in view of this.


(N.P. NAWANI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)