

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 4.9.2001

OA 561/99

Prabhulal Mali, EDDA, Panwar Sub Post Office, Distt. Tonk.

... Applicant

Versus

1. Union of India through Secretary, Deptt. of Posts, Ministry of Communications, New Delhi.
2. Postmaster General, Rajasthan Southern Region, Ajmer.
3. Supdt. of Post Offices, Tonk Division, Tonk.
4. Sub Divisional Inspector of Post Offices, Bundi West Sub Division, Bundi.

... Respondents

CORAM:

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

HON'BLE MR.S.A.T.RIZVI, ADMINISTRATIVE MEMBER

For the Applicant ... Mr. K.L.Thawani

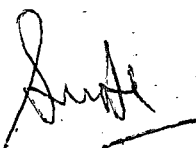
For the Respondents ... Mr.Vijay Singh, proxy counsel  
for Mr.Bhanwar Bagri

O R D E R

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

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, applicant makes prayer; i) to direct the respondents not to terminate the services of the applicant without following lawful process as envisaged under Article 311(2) and Articles 14 and 16 of the Constitution, ii) to direct the respondents to consider the name of the applicant for selection to the post of EDDA, alongwith others, by giving weightage of his provisional appointment.

2. Facts of the case, as stated by the applicant, are that he was appointed on the post of EDDA, Panwar, on 12.8.97, on provisional basis. While working as such, the

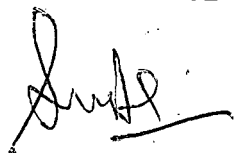


applicant was removed from service w.e.f. 8.6.99, by oral order, by making another provisional arrangement, which is violative of Articles 14 and 16 of the Constitution. The applicant has claimed the relief on the ground that he was sincerely and with devotion working on provisional basis since 12.8.97 and he is fully qualified for the post. Therefore, for appointment of EDDA, Panwar, weightage should be given to him because of the experience gained by him on the post.

3. Reply was filed. In the reply it is made clear by the respondents that the applicant was engaged as EDDA, Panwar, in order to manage the work till the selection process is finalised. It is also stated that subsequently Shri Kajod Mal Raiger, who was declared surplus, was allowed to join against the said post on 1.2.2000. Therefore, it is stated that the applicant has no case for interference by this Tribunal.

4. Heard the learned counsel for the parties and perused the records of the case.

5. The department is fully empowered to fill up the post of EDDA by direct recruitment, by transfer ~~of EDDA~~ or by any surplus candidate. In D.M.Nagesh and Others v. Union of India and Others, 2000 (1) ATJ 259, it has been held by Full Bench of the Central Administrative Tribunal, Bangalore Bench, that no weightage can be given of the experience which an EDDA acquires on provisional basis. As in the present case, process of selection has not been started, therefore, at this stage, it will be suffice to say that the applicant is not entitled to any relief sought for in view of the discussion as above.

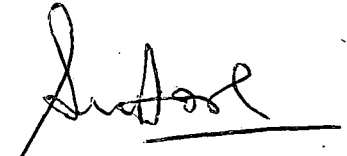


6. We, therefore, dismiss this OA having no merits, with no order as to costs.



(S.A.T. RIZVI)

MEMBER (A)



(S.K. AGARWAL)

MEMBER (J)