

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 23/3/2000

OA 3/2000

Mahendra Kumar Tanwar son of Shri Sen Tanwar aged about 20 years resident of 106-A, Goverdhan Colony, New Sanganer Road, Sodala, Jaipur and presently working on the post of Extra Departmental Stamp Vendor, Shahstri Nagar Head Post Office, Jaipur.

..... Applicant.

Versus

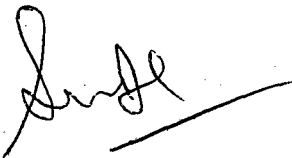
1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of Post Offices, Jaipur City Postal Division, Jaipur.
4. Assistant Superintendent of Post Offices, Jaipur East Sub Division, Jaipur.

..... Respondents.

Mr. C.E. Sharma, 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. Hawani, Member (Administrative)



ORDER

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

In this OA applicant makes a prayer to direct the respondents to allow the applicant to work on the post of ED Stamp Vendor, Shastri Nagar Post Office, Jaipur till the finalisation of departmental proceedings against permanent incumbent and consider candidature of the applicant at the time of regular appointment by giving due weightage of his experience.

2. The case of the applicant, in brief, is that he was provisionally appointed by respondent no. 4 as ED Stamp Vendor, Shastri Nagar Post office vide order dated 23.5.99 and since he is working on the post but now respondent no. 4 is threatening the applicant to disengage him and to engage another person on his place whereas the applicant is entitled to hold the post till finalisation of departmental proceedings against the permanent incumbent as per terms of the order. Therefore, applicant filed this OA for the relief, as above.

3. Reply has filed. It is stated in the reply that due to involvement of Shri Ram Babu Khandelwal in ^{Case} CBI, Shri Vinod Kumar Mehra was provisionally appointed as ED Stamp Vendor, Shastri Nagar on 2.2.99. Thereafter as per the direction of Assistant Superintendent Post Office, Jaipur, Post Master, Shastri Nagar engaged the applicant vice Vinod Kumar Mehra on 23.5.99. It is stated that meanwhile for provisional appointment for the post of ED Stamp Vendor, names of eligible candidates were called for and provisional appointment is to be given from the list sponsored by Employment Exchange or who have applied for the post. It is stated that on account of transfer of Mr. C.P. Arora, Shri Shyam Singh joined on 18.6.99 but noticed that neither local advertisement was issued nor provisional appointment was made from the list sponsored by Employment Exchange. He also noticed that order of appointment dated 23.5.99 is in the Personal File of ED Stamp Vendor. Thereafter Shri C.P. Arora interrogated who has issued the said order and he urged that his signature are forged by Mr. M.L. Arora. On the other hand, on interrogation, Shri M.L. Arora denied the allegation forgery against him. However, he

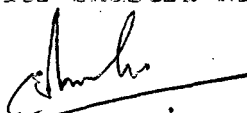
admitted that the corrections were made in the order as per instructions of Shri C.P. Arora. On this basis, order of provisional appointment of the applicant is void. It is stated that statement of the applicant were also recorded and thereafter applicant filed this OA alleging threatening of termination by respondent no. 4.

4. Rejoinder has also been filed reiterating the facts stated in the OA and stated that services of the applicant cannot be dispensed with for making another provisional appointment on the post.

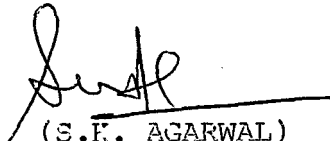
5. Heard the learned counsel for the parties and also perused the whole records.

6. It is evident from order (Annexure A-1) that applicant was provisionally appointed as ED Stamp Vendor vice Shri V.K. Mehra. Annexure A-2 is the Memo by which it appears that applicant took charge on 22.5.99. Annexure A-3 is detailed order of appointment of the applicant. Both orders appear to have been signed by Shri C.P. Arora but no process of selection/regular appointment has been initiated so far. The applicant has filed this OA on the ground that respondent no. 4 is threatening him to disengage for giving appointment to another provisional appointee. Therefore, in view of the facts and circumstances, as stated above, we are of the opinion that respondents may be directed not to replace the applicant by another provisional appointee till the regular selection is made.

7. We, therefore, allow this OA and direct the respondents not to replace the applicant by another provisional appointee till regular selection on the post of ED Stamp Vendor Shastri Nagar is made. No order as to costs.


(N.P. NAWANI)

MEMBER (A)


(S.R. AGARWAL)

MEMBER (J)