

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH, JABALPUR

O.A. No. 213/2003

Jabalpur, this the 23<sup>rd</sup> June ' 2003

Hon'ble Mr. D.C. Verma, Vice Chairman (J)  
Hon'ble Mr. A.K. Bhatt, Member (A)

Lalman S/o. Shri Kanhaiyalal,  
Date of Birth : 25-5-1966, Ex-EDMC,  
R/o. Village : Bagroda (University),  
Bhopal. .... Applicant

( Advocate : Mr. Vijay Tripathy for Mr. S. Paul )

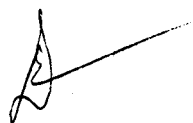
VERSUS

1. Union of India,  
Through, its Secretary,  
Ministry of Communications,  
Department of Posts, Sanchar Bhavan,  
New Delhi.
2. Chief Post Master General,  
M.P. Circle, Bhopal.
3. Senior Superintendent Post Offices,  
Bhopal Division, Bhopal. .... Respondents

( Advocate :

O R D E R (ORAL)

Per : Hon'ble Mr. D.C. Verma, Vice Chairman (J)

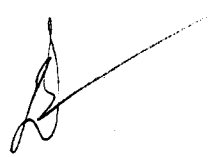


(12)

The applicant claims that his name was forwarded by the Employment Exchange and thereafter, he was appointed as Extra Departmental Mail Career (E.D.M.C). The respondents vide oral order dated 24-9-2002, terminated his service. The order of termination is challenged and it has been prayed that a writ may be issued to the respondents in the nature of mandamus to reinstate the applicant on the post of E.D.M.C with all consequential benefits.

2. Learned counsel for the applicant has been heard and contents of Annexure A-2, dated 15-11-2002<sup>5</sup> has been perused. The termination of the applicant has been made by the respondents in terms and condition mentioned in para 4 of the Annexure A-2. The condition of the Annexure A-2 shows that the applicant's appointment was provisional, only of temporary and on adhoc basis. It is also provided that the applicant shall not have any claim against regular selection on the said post. In view of this, the applicant cannot say that the respondents have terminated his service in violation of terms of appointment.

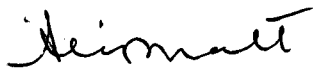
3. The submission of learned counsel for the applicant is that post was earlier notified on 24-6-98 vide Annexure A-1. The copy of taking over charge certificate has been annexed with MA No. 511/2003.

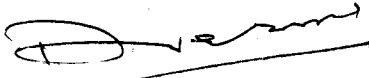


4. It may be noted here that none of the above submissions have any merit. Taking over charge certificate filed with MA No.511/2003 is of 25-9-97. This means that applicant was earlier engaged and disengaged. Subsequently, the applicant was engaged by Annexure A-2, dated 15-11-2000. The earlier disengagement order was not challenged. Annexure A-2 is not for regular appointment and it specifically provides for regular appointment in future,

5. The submission of the learned counsel for the applicant is that the respondents have now issued notification for regular selection on the said post and the respondents be restrained in making any selection. There is nothing on record to show that the vacancy on which the applicant was posted was notified for regular selection. The respondents have now vide notification dated 22-10-2002 (Annexure A-4) notified the vacancy to fill up the post on regular basis. If the applicant was eligible for the said post, it was open for him to apply for the post within ~~time~~<sup>5</sup> prescribed time limit and for the respondents, to consider his case alongwith others. The applicant cannot question the termination order which is in terms of Annexure A-2.

6. The OA has no merit and the same is rejected. Cost easy.

  
( A.K.BHATT )  
MEMBER(A)

  
( D.C. VERMA )  
VICE CHAIRMAN (J)

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पृथक्करण सं ओ/न्या..... जलपुर, दि.....  
पतिलिपि

- (1) सचिव, राज्य स्वास्थ्य विभाग, जलपुर
- (2) आवेदन सं. 1011/1012/1013 को कार्रवाई S.D.M.
- (3) प्रत्यक्षी/सी/सी/सी/सी को कार्रवाई R.S.D. no. 2 with rel-
- (4) संपन्न, टोपडा, जलपुर जिला में  
रुग्णा एवं आवश्यक कार्यवाही हेतु

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