

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.250/ 2012

Date of CAV:31.12.2018.

Date of Order :30.04.2019.

Between :

K.Thimmanna, s/o K.Naganna,
Aged about 39 yrs, Working as Extra
Department Mail Carrier, Muldakal SO
Under Gadwal Head Post Office,
Mahabubnagar Division, Mahabubnagar District. ...Applicant

And

1. Inspector of Post Offices,
Gadwal Sub Division, Mahabubnagar Division,
Mahabubnagar.
2. The Superintendent of Post Offices,
Mahabubnagar Division, Mahabubnagar.
3. The Postmaster General, Northern Region,
Hyderabad-1.
4. Union of India, rep., by the
Chief Postmaster General,
A.P.Circle, Hyderabad-500 001.

Counsel for the Applicant ... Mr.M.Venkanna
Counsel for the Respondents ... Mrs.Megha Rani Agarwal, Addl.CGSC

CORAM:

**THE HON'BLE MR.JUSTICE R.KANTHA RAO, MEMBER (JUDL.)
THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)**

ORDER

(As per Hon'ble Mrs.Naini Jayaseelan, Member (Admn.))

The applicant has filed the present OA to consider his regular appointment as GDS in consideration of his past provisional service and as service in a stop gap arrangement.

2. Brief facts of the case:

The applicant was originally appointed on provisional basis at Darushifa Sub-Post Office of Hyderabad South East Division on 28.12.1998, on account of the vacancy caused by the original incumbent going on deputation to Army Postal Service. Since the incumbent returned after two months, he assumed the charge of EDMC, Darushifa, resulting in termination of applicant's services. The services of the applicant were terminated on rejoining of the regular incumbent and the applicant was appointed as EDMC, P & T Colony, against the vacancy caused on account of pending Court case against the regular incumbent Sri Ahmed. However, on the conclusion of the Court case, the services of the applicant were replaced by the original incumbent and thereafter the applicant worked on provisional basis in Hyderabad South East Division.

3. It is his contention that in view of the fact that he has put in more than 3 years of service in the Department of Posts, the respondents may be directed to consider regular appointment of the applicant as Gramin Dak Sevak in any existing vacancies or future vacancies.

4. In the reply statement, the respondents have stated that as the regular EDMC, Darushifa SO, went on deputation to APS, who was discharged from APS and was posted back as EDMC, Darushifa, the services of the applicant were terminated by the ASPOs, Hyderabad South Sub-Division, and the applicant has worked in the said vacant post of GDS on provisional basis for a period of 35 days and that the post of GDSMC, Yelkur B.O. a/w Muldakal SO, of Mahabubnagar District had fallen vacant due to Rule 3 transfer of regular GDS as GDSMC, one Sri T.Govindu, GDSMC/Packer, Muldakal SO, who had applied for leave without allowances to his post and officiated as GDSMC, Yelkur BO under stop gap arrangement. It was only in his place that the applicant was arranged as a paid substitute.

5. The respondents have denied the contention of the applicant that his services were terminated after two months from the post of EDMC, Darushifa SO. The respondents submitted that Sri T.Ravi, EDMC, Darushifa SO, was deputed to APS and relieved on 28.12.1998, vide SSPOs, Hyderabad South East Division memo dated 23.12.1998 and the applicant was provisionally appointed in the place of Sri T.Ravi w.e.f 29.12.1998 as EDMC, Darushifa SO, vide ASP, Hyderabad South Sub-Divisional memo dated 26.12.1998. As Sri T.Ravi was discharged from APS and joined back in his original post as EDMC, Darushifa, on 2.2.1999, the applicant was terminated from the existing arrangement. The applicant worked as EDMC, Darushifa, for only 35 days.

6. The respondents have further submitted that the applicant was again appointed provisionally as EDMC, P&T, Colony SO from 12.04.1999 to 26.02.2000. The services of the applicant were terminated when regular selection for the post of EDMC, P & T Colony SO was made. The applicant was not replaced by the original incumbent on conclusion of the Court case as stated by the applicant.

7. The respondents have contended that the contention of the applicant that he worked on provisional basis in different Post Offices in Hyderabad South East Division for more than 3 years is not tenable. The respondents have denied the contention of the applicant that he worked in Mahabubnagar Division in different Post Offices as GDS MC under stop gap arrangement for several years.

8. The respondents submitted that his services have only been utilized by the regular GDS as paid substitute (Outsider) on their own responsibility while proceeding on LWA or to officiate in the vacant posts under stop gap arrangement system. The applicant had worked as an outsider in the leave vacancies of regular GDS and therefore he cannot claim GDS post which has to be filled up by a proper prescribed procedure based on the existing RRs.

9. The contention of the applicant that he had worked on provisional basis in different Post Offices in Hyderabad South East Division in all put together for more than 3 years is not tenable. The applicant has also not worked in Mahabubnagar Division in different Post Offices as GDSMC under stop gap arrangements, but his services have been utilized by the regular GDS as paid substitute on their own responsibility while proceeding on LWA or to officiate in the vacant posts under stop gap arrangement. Therefore, the contention of the applicant that his name should have been put in the waiting list for consideration is not tenable because the applicant has worked purely as an outsider in the leave vacancies of regular GDS, for which he cannot claim the post of GDS.

10. In view of the above, we find no merit in the OA and the same is accordingly dismissed. No order as to costs.

Sd/-

Sd/-

**(NAINI JAYASEELAN)
MEMBER (ADMN.)**

**(JUSTICE R. KANTHA RAO)
MEMBER (JUDL.)**

Dated: this the 30th day of April, 2019

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