
(2012) 03 RAJ CK 0108
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9623 of 2011

Mahendra Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 12-03-2012

Acts Referred:

Citation : (2012) 03 RAJ CK 0108

Hon'ble Judges : N.K. Jain, J;Arun Kumar Mishra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Hon"ble Jain, J.—Heard the Learned Counsel for the petitioner. Petitioner has preferred this writ petition challenging the order dated 31st January, 2011 passed by the Central Administrative Tribunal, Jaipur Bench, whereby Original Application No. 371/2008 filed by petitioner has been dismissed.

2. The petitioner filed the Original Application before the Tribunal praying therein that respondents be directed to give appointment to the applicant on regular basis on the post of Gramin Dak Sevak at Nechhwa or Ganeri Post Office as the case may be with all consequential benefits and further to direct the respondents to allow the applicant to hold the post of Gramin Dak Sevak, Nechhwa Post Office on provisional basis till the joining of regular incumbent by quashing verbal termination of the applicant with all consequential benefits.

3. Petitioner in his Original Application averred that he was appointed on the post of GDSMC, Ganeri on provisional basis vide order dated 27th January, 2006. Subsequently, vide notification dated 19th April, 2006 process started for filling the post of GDSMC on regular basis. The applicant also applied for the said post. However, applicant could not be selected. The applicant filed a representation to appoint him on regular basis. The petitioner worked as GDSMC upto 24.8.2006. Thereafter, applicant was engaged as outsider Postman for some period. The post of Postman was abolished vide order dated 18.1.2007. Thereafter, post of

GDSMD was created and the applicant was provisionally engaged from 29.1.2007 to 28.2.2007, 1.3.2007 to 31.3.2007, 2.4.2007 to 4.4.2007 and 10.4.2007 to 12.5.2007. After 14th May, 2007 he was not engaged. Therefore, he filed the Original Application before the Tribunal.

4. The respondents in their reply stated that applicant was appointed as stop gap arrangement to meet with heavy load of work of GDSMC. Subsequently, the post was advertised and applicant also applied for it, but he could not be selected. It was specifically submitted that vide Notification dated 15th September, 2008, the post of GDSMC was advertised for candidates belonging to ST category. The applicant was not eligible to get appointment against the said notification as he was not of ST category. He has not challenged the said notification also.

5. The Tribunal after considering submissions of both the parties, dismissed the Original Application filed by petitioner vide order dated 31st January, 2011, which is under challenge in this writ petition.

6. The submission of the Learned Counsel for the petitioner is that he was appointed on the post of Gramin Dak Sevak vide order dated 27th January, 2006 and he was allowed to continue till 14th May, 2007. He further submitted that there was vacant post of GDS, therefore, his services were wrongly terminated by oral order, which may be set aside and he may be appointed on the said post on regular basis. We have considered the submissions of the Learned Counsel for the petitioner and examined the impugned order and the reasons assigned therein for dismissal of the Original Application. Counsel for the petitioner has not disputed the above referred facts that he was initially appointed on 27th January, 2006 on provisional basis i.e. by way of stop gap arrangement. The said post was advertised to fill in on regular basis, the applicant also applied for it, but he could not be selected. After 14th May, 2007 he was not engaged and in 2008, a notification was issued on 15.2.2008 for filling up the post of Gramin Dak Sevak from a candidate belonging to ST category. Applicant does not belong to ST category. He has not challenged the notification also. The petitioner worked on provisional basis from 27.1.2006 to 12.5.2007. There was some gap in service during the period from January 29, 2007 to 12.5.2007, as mentioned above. It is an admitted fact that the petitioner was not regularly selected candidate on the post. He worked only for a limited period. Since it was a regular post and post could have been filled as per the rules and petitioner could not be selected, in these circumstances, he does not acquire any right of regularisation. The reasons assigned by the Tribunal for dismissal of the Original Application are absolutely legal and justified and no interference in the same is called for. There is no merit in this writ petition and the same is, accordingly, dismissed in limine. Stay application is also dismissed.