HC-KAR
NC: 2026:KHC:63088-DB
WP No. 8149 of 2020
CNR: KAHC010133082020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION NO. 8149 OF 2020 (S-CAT)

BETWEEN:

SRI V C LOGANATHAN
AGED ABOUT 39 YEARS
S/O V.N.CHANDRASHEKARAN,
RESIDING AT NO.3,
SRI VENKATESHWARA NILAYA,
4TH MAIN, 6TH CROSS,
EVERGREEN STREET,
UDAYANAGARA,
A NARAYANAPURA,
BENGALURU-560016.

...PETITIONER

(BY SRI. MUKKANNAPPA S. B., ADV.)

Digitally signed by NANJUNDACHARI
Location: High Court of Karnataka

AND:

1. UNION OF INDIA
DEPARTMENT OF POSTS,
MINISTRY OF COMMUNICATIONS
AND INFORMATION TECHNOLOGY,
DAK BHAVAN, PARLIAMENT STREET,
NEW DELHI-110001
REPRESENTED BY ITS SECRETARY.

2. THE POST MASTER GENERAL
SOUTH KARNATAKA REGION,
G.P.O. BUILDING,
BENGALURU-560001.

3. THE DIRECTOR OF POSTAL SERVICES
PALACE ROAD,
BENGALURU-560001.

4. THE SENIOR SUPERINTENDENT
OF POST OFFICES
BENGALURU EAST DIVISION
NO.14, MUSEUM ROAD,
BENGALURU-560001.

5. THE SUB POST MASTER
HSG MUSEUM ROAD POST OFFICE
NO.14, MUSEUM ROAD,
BENGALURU-560001.

6. SRI. VIJAYAKUMAR
MAJOR,
S/O NOT KNOWN TO THE PETITIONER
WORKING AS GRAMEEN DAK SEVAK,
MUSEUM ROAD POST OFFICE
NO.14, MUSEUM ROAD,
BEGNALRUU-560001.

…RESPONDENTS

(BY SRI. D BASAVARAJA, CGC., ADV. FOR R1-5
R6 – NOTICE DISPENSED WITH)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DATED 26.9.2019 PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENGALURU BENCH, BENGALURU IN APPLICATION NO.170/00350/2018 AT ANNEXURE-E TO THE WRIT PETITION AND CONSEQUENTLY ALLOW THE ORIGINAL APPLICATION NO.170/00350/2018 FILED BY THE PETITIONER.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

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ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The above writ petition is filed questioning order dated 26.09.2019 (Annexure-E) passed in O.A.No.170/00350/2018 by the Central Administrative Tribunal, Bangalore Bench, Bengaluru (for short, 'CAT'), whereunder the petitioner's prayer for a writ of mandamus, directing the respondents to take the petitioner into service and to regularize the services of the petitioner since he had already worked for more than 12 years, with all consequential benefits is rejected.

2. Heard learned counsel Sri.Mukkannappa.S.B., for petitioner and Sri.D.Basavaraja, learned Central Government Counsel for respondent Nos.1 to 5. Perused the entire writ petition papers.

3. The petitioner approached the CAT in the above stated OA., with a prayer for writ of mandamus directing the respondents to regularize the services of the petitioner since he has already worked for more than 12 years and

for all the consequential benefits. It was the case of the petitioner that he was initially appointed as GDS Mail Packer in the year 2005 at Ulsoor Bazar Post Office as a substitute for one Sri.Ravi Kumar, who was on leave. It is stated that the petitioner joined on 12.12.2005 and he continued till 30.11.2006. Thereafter, he was continued in the same Post Office till 07.02.2008. On 07.02.2008, it is stated that the Postmaster of Ulsoor Bazaar Post Office orally directed the petitioner to report to duty at Sub-Postmaster, Museum Road Post Office, Bengaluru, where he is said to have worked as substitute in place of one Sri.Anil Kumar, who was promoted as Postman, Group-D, till 14.02.2018. It is submitted that thereafter the petitioner was asked not to attend work. When he was refused work, the petitioner is said to have approached initially the Labour Court and the Labour Court refused to entertain his application and directed him to approach the CAT. Accordingly, the petitioner approached CAT in the above stated OA.

4. Learned counsel Sri.Mukkannappa.S.B., would submit that the petitioner though was not issued with the appointment order, he has continuously worked for more than 12 years and as such, he would be entitled for regularization. Learned counsel would submit that the services of the petitioner is utilized, which would mean that there was necessity of services of the petitioner. Further, it is submitted that after discontinuing the services of the petitioner, some other temporary employee is appointed. In that regard, learned counsel would submit that a temporary employee cannot be replaced by another temporary employee. Thus, it is submit that the impugned order passed by the CAT is wholly erroneous and needs interference by this Court.

5. However, on the other hand, learned Central Government Counsel Sri.D.Basavaraja for respondent Nos.1 to 5 would submit that the petitioner was not appointed by any appointment order. However, he submits that the petitioner was engaged as GDS Mail Packer to

work against leave vacancy. It is submitted that initially, the petitioner was asked to work as a GDS Mail Packer at Ulsoor Bazar Post Office in place of one Sri.Ravi Kumar who had gone on leave. Thereafter, it is stated that the petitioner was asked to work at Museum Road Post Office against leave vacancy of one Sri.Anil Kumar Anil Kumar. Learned Central Government Counsel would submit that when the petitioner is not appointed to any clear vacancy that too, a sanctioned post and when the petitioner was asked to work only against leave vacancy, he would not be entitled for regularization.

6. Further, learned Central Government Counsel would submit that a Co-ordinate Bench of this Court in **W.P.No.6526/2023** dated **11.12.2025 (SRI.H.B.JAGADEESH VS. UNION OF INDIA AND OTHERS)**, taking note of the GDS Rules was of the opinion that a person who is engaged in a stop-gap arrangement against a leave vacancy would not be entitled for regularization. Thus, he would pray for dismissal of the writ petition.

7. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned order passed by the CAT for the following reasons:

It is an admitted fact that the petitioner was not issued with any order of appointment. However, he was engaged against the vacancy arose on account of leave of regular GDS Mail Packer at Ulsoor Bazaar Post Office as well as Museum Road Post Office. Admittedly, the petitioner has worked against leave vacancy, which is a stop-gap arrangement made by the respondent-authorities. The petitioner has not served continuously for 12 years in a single sanctioned post. The petitioner has rendered stop-gap arrangement service in two different Post Offices.

8. A Co-ordinate Bench in ***SRI.H.B.JAGADEESH*** (supra), considering the decision of the Hon'ble Apex Court in ***DHARAM SINGH AND OTHERS VS. STATE OF U.P.,***

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AND ANOTHER (CIVIL APPEAL.NO.8558/2018) as well as the GDS Rules, refused the regularization of a stop-gap GDS Mail Packer who was identically placed like that of petitioner. A person who has only rendered stop-gap service would not be entitled for regularization.

9. Following the decision of Co-ordinate Bench of this Court, we decline to interfere with the impugned order passed by the CAT. Accordingly, writ petition stands ***rejected***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

NC
CT:bms
List No.: 1 Sl No.: 8