

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Review Application No. 23/94 in

Dated:- **26 JUL 1994**

APPLICATION NUMBER: 1009/93

APPLICANTS:

RESPONDENTS:

Sri. V. M. Nagana Gouda $\frac{1}{2}$ Superintendent of Post Offices,
T.O. Bellary and other.

- ① Sri. M. Raghavendrachar,
Advocate, No. 1074 & 1075,
4th Cross, Srinivasnagar,
2nd Main, Bangalore-560050

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ~~ORDER/~~
~~STAY ORDER/INTERIM ORDER~~/, passed by this Tribunal in the above
mentioned application(s) on 14.07.94

Issued on

27/7/94

B

of

for S. S. Shrawar 26/7
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

R.A.NO.23/94

THURSDAY THIS THE FOURTEENTH DAY OF JULY 1994

Shri Justice P.K. Shyamasundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

V.M. Nadanagouda,
Aged 34 years,
S/o siddaremana Gowda,
Branch Post Master,
R/a Belachinta,
B/o A/w Via Moka,
Bellary District-583 171.

... Applicant

[By Advocate Shri M.R. Achar]

v.

1. The Superintendent of Post
Offices,
Bellary Division, Bellary.
2. The Assistant Superintendent
of Post Offices,
Bellary Sub-Division, Bellary. ... Respondents

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. We have heard Shri M.R. Achar, counsel for the Review Applicant. We regret our inability to accept the contention of Shri Achar that the applicant not being qualified for the appointment in question in terms of later notification is of no avail since on the basis of the earlier notification his claim for appointment could have been considered and as a matter of fact the applicant having applied for selection on the earlier occasion but his application was not considered for some reason with the result when he



got the chance for being inducted into service he could not now be told that because of the change of the basis for selection he cannot be considered for appointment. While we do see the emphasis laid on the changed circumstance to the detriment of the applicant but we are afraid that we cannot assist him. The fact that on the first occasion he might have had the chance of securing the job had his application been cleared is no ground for contending that when the posts were renotified the fact that he was not then qualified should not be taken and that his entitlement for appointment should be considered on ex-post facto basis. We do not agree. We must point out that when he was not appointed on the earlier occasion and the post was again notified, his entitlement for the selection on the basis of the earlier notification comes to an end with the lapse of the earlier notification. With the result he can and must be considered only on the basis of the new parameters specified in the later notification. Admittedly he does not satisfy those parameters and in consequence if he has not been considered and, therefore, he cannot make any grievance is what we have said while disposing of O.A. No.1009/93 out of which this review application purport to arise. We see no reason to differ from the ~~the~~ earlier order. We say this inspite of the submissions made by Shri Achar relying on the decision of the Supreme Court in Y.V. RANGAIAH V. J. SREENIVASA RAO reported in AIR 1983 SC 805 as that decision

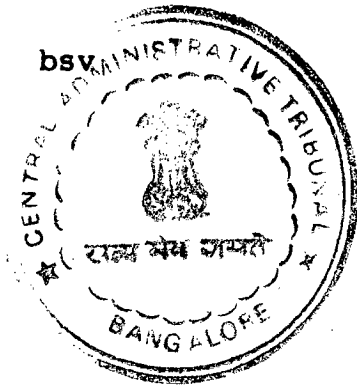
is clearly distinguishable.

Sd/-
[Signature]

MEMBER [A]

Sd/-
[Signature]

VICE-CHAIRMAN



TRUE COPY

[Signature]

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE