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CAT/11/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 533 198 87
LA No.

DATE OF DECISION 3-11-89

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B. N. Jaisankar, Vice Chairman

The Hon'ble Mr. J. Narasimha Murthy (CJ)

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

B.N. J.

J.N.M.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, HYDERABAD.

O.A.No.533 of 1987.

Between:

Date of decision: 3-11--1989.

V, Sreerama Murthy.

Applicant.

Vs.

Union of India represented by its
Secretary, Ministry of Communi-
cations, Government of India,
Patel Bhavan, New Delhi and
3 others.

Respondents.

Sri V.S.R. Anjaneyulu, Counsel for the Applicant.

Sri Parameswara Rao, for Sri P. Ramakrishna Raju, Standing
Counsel for Respondents.

CORAM:

Hon'ble Sri B.N. Jayasimha, Vice-Chairman.

Hon'ble Sri J. Narasimhamurty, Member (Judicial).

Judgment of the Bench delivered by
Hon'ble Sri B.N. Jayasimha, Vice-Chairman.

--:-

This is an application filed by a Branch Post Master, Chinkpalem Branch Office against the order of the Respondent No.3 proposing to appoint Respondent No.5, Ex-B.P.M., Repalle.

The applicant states that he has passed the Intermediate Examination in October, 1985. A vacancy for the post of Branch Post Master Chinkapalem P.O., arose and he applied for the same. He was appointed on 12-10-1985. He has been working as Branch Post Master since then. The procedure for appointment of a Branch Post Master is affixed ^{on} ~~by~~ ^{a notice} on the Notice Board of the Panchayat Board Office and by beat of tom-tom at a public place in the village. The qualifications fixed for the post is VII Class and the persons who ^{have} passed Matriculation

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should be given preference. In addition to the Educational qualification the person shall have a tiled house in his/her name in the village to put up the Post office. If the person ~~has~~ ^{possesses} any lands the details ^{also} ~~are~~ to be furnished.

Respondent No.3 ~~has~~ appointed Sri B.V.P. Raja Rao as the Branch Post Master, Peteru Branch Post Office. Having come to know ~~that~~ the appointment of Sri B.V.P. Raja Rao as Branch Post Master, one Sri Dokku Adinarayana Rao who is working as Branch Post Master, Peteru Branch Post Office filed O.A.No.482/87 before this Tribunal. This Tribunal directed the 3rd respondent herein to follow the procedure for the appointment of the Branch Post Master and without following the procedure not to appoint Sri Raja Rao as Branch Post Master to Peteru Branch Post Office. According to the directions of the Tribunal, the 3rd respondent withdrawn the appointment and issued the impugned orders and informed Raja Rao to intimate his willingness whether he would work in any one of the vacancies. In that order he has shown Chinkapalem Branch Office post is also vacant. ~~The~~ said Raja Rao has given his willingness to join as Branch Post Master at Chinkapalem Branch Post Office. The 3rd respondent accepted the option of the said Raja Rao and he is passing the appointment orders appointing the said Raja Rao as Branch Post Master for Chinkapalem Branch Office. Sri Raja Rao has no ^uhose in Chinkapalem village and as such he is not eligible for the post of B.P.M. Sri Raja Rao worked as Ex.B.P.M., in the year 1980-81 and he was removed from service. The casuse for removal is still under investigation and whenever the applicant comes to know the facts he will bring it to the notice of the Tribunal. He states that after removal

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from service the said Raja Rao ~~he~~ worked in a Brandy shop. The said Raja Rao has no property. The 3rd respondent wants to appoint the said Raja Rao with a malafide intention.

The respondents in their counter state that the contention of the applicant that Sri Raja Rao has worked as B.P.M., during the year 1980-81 and that he was removed from service and the cause thereof is still under investigation is totally incorrect. Sri Raja Rao has worked as B.P.M., Repalle from 2-9-1978 to 30-9-1985 and he was discharged from the post on the afternoon of 30-9-1985 following the closure of the Cycle Mobile Branch Office. Sri Raja Rao possessed a hut and land to the extent of Ac.1--10 c^{ts} in S.No.219 of Kanchinapudi village and the said land is worth about Rs.35,000/- as per the certificate issued by the Mandal Revenue Officer, Nizampatnam. The applicant has chosen to raise baseless allegations without ~~verifying~~ the facts thereof. As per letter No.27--3/77(pt) dated 19-8-1978 of the Director General, P&T New Delhi the ED Agents who are deprived of their jobs following closure of the post offices are required to be considered for alternate employment. In view of these reasons, the respondents oppose the application.

We have heard Sri V.S.R.Anjaneyulu, learned counsel for the applicant and Sri Ashok Kumar, Additional standing counsel for the respondents.

consequent to the
By way of interim directions of the Tribunal, the applicant is being continued as Branch Post Master. The main argument of Sri V.S.R.Anjaneyulu is that ~~in accordance with~~ the instructions issued by the Director General of Posts and Telegraphs letter

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D.G., P & T No. 27-3/77(Pt) dated 19th August, 1978
and also paragraph (18) regarding Clarifications
regarding absorption of surplus ED Agent on the
Waiting List vide D.G., P & T Letter No. 43-4/77-Pen.

and February, 1979 viz.,

".... the name of the surplus ED agent should be kept on the waiting list for one year. If an ED Agent refused to accept the offer of alternative employment which is at the same station or in the neighbourhood, his name should not be kept in the waiting list. If the post offered is at a place away from his place of residence, his name should be kept/continue to be kept in the waiting list. If a surplus ED Agent is not absorbed in another post within one year, the name should be removed from the list."

have not been followed.

Sri Raja Rao has not been provided with the alternative employment for more than one year. Sri Anjaneyulu, learned counsel for the applicant ^{with the} contends that Sri Raja Rao is no longer eligible for appointment as per the above instructions of the Director General of Posts and Telegraphs.

Sri Anjaneyulu also relies on instructions contained in D.G., P & T Letter No. 43-4/77-Pen dated 18th May, 1979 which are as follows:

"Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' service. In such cases their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G., P & T Letter No. 43-4/77-Pen. dated 23-2-1979."

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The learned counsel contends, that in view of the above instructions, the applicant should be given preference for appointment.

We have considered the submissions of the learned counsel for the applicant. In the original application, the applicant had challenged the appointment of Sri Raja Rao on the ground that he is not qualified to hold the post and that the respondents are seeking to appoint Sri Raja Rao with mala fide intentions.

We see no material in the allegations made by the applicant. We find from the counter that Sri Raja Rao had worked as an EOBPM. and the allegations are wholly without any basis.

We are also unable to agree with the argument of the learned counsel for the applicant which is mainly based on the instructions contained in the above referred letters of the Director General of Posts and Telegraphs. The instructions themselves say that such persons should be kept on waiting list for alternative appointment. Permanent employment has to be made in accordance with the instructions which requires issue of a notification in the village concerned inviting applications from the eligible candidates.

We do not therefore think that the applicant can claim a right for permanent appointment. On a consideration of these facts, we direct that the Department should notify the post and invite applications for filling up the post in accordance with the procedure and rules. This must be done within a period of two months from the date of receipt of this order.

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. In the result the application is dismissed.

There will be no order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman.
3-11-1989-

MS
(J. NARASIMHAMURTHY)
Member (Judicial)

DEPUTY REGISTRAR
DEPUTY REGISTRAR (A)

SSS.

To

1. Secretary, (Union of India),
Ministry of Communications, Govt. of India,
Patel Bhavan, New Delhi.
2. The Director of Postal Services,
Andhra Pradesh, Eastern Region,
Vijayawada.
3. Superintendent of Post Offices,
Tenali Division, Tenali, Guntur District.
4. Sub Divisional Inspector, of Post Offices,
Repalle Sub Division, Repalle.
5. Sri B.V.P. Raja Rao, Ex. B.P.M., Repalle B.O.,
Thotavari Street, 10th Ward, Repalle - Guntur District.
6. One copy to Mr. V.S.R. Anjaneyulu, Advocate,
1-8-38/A/1, Chikkadapalli, Hyderabad.
7. One copy to Mr. P. Rama Krishna Raju,
Sr. CGSC., CAT., Hyderabad.
8. One spare copy.

YLKR

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