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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:AT HYDERABAD,

O.A.No. 770 of 1987

DATE OF DECISION: 19-2-1990

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M.VENUGOPALA RAO

Petitioner.

Mr.P.Sreerama Murthy

Advocate for the
petitioner(s)

Versus

SENIOR SUPERINTENDENT OF POST OFFICES,
PRAKASAM DIVISION, ONGOLE.

Respondent.

Mr.J.Ashok Kumar, SC for Postal.

Advocate for the
Respondent(s)

CORAM:

THE HON'BLE MR. B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HON'BLE MR. D.SURYA RAO, MEMBER(JUDICIAL).

1. Whether Reporters of local papers may be allowed to see the Judgment ? No
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgment ? No
4. Whether it needs to be circulated to other Benches of the Tribunals ? No
5. Remarks of Vice Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

b/n
(B.N.J.)

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(D.S.R.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No.770 of 1987

Date of Order: 19-2-1990

(31)

Between:

M.Venugopala Rao .. Applicant

and

Senior Superintendent of Post
Offices, Prakasam Division, Ongole.

.. Respondents

Appearance:

For the Applicant : Mr.P.Sreerama Murthy, Advocate,
not present.

For the Respondents : Mr.J.Ashok Kumar, Standing Counsel
for Postal.

CORAM

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER(JUDICIAL).

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI B.N.JAYASIMHA,
VICE-CHAIRMAN.)

1. The applicant seeks to question the Notification issued by the Respondent bearing Memo No.83/Kothapeta, Ongole, dated 24-11-1987, calling for applications from eligible candidates for filling up of the post of Extra Departmental Branch Post Master, Kothapeta Village under Gudluru Sub-Post Office, Prakasam District, A.P.

2. The applicant states that he is working as ^{an} Extra Departmental Branch Post Master at Kothapeta Village Branch P.O., having been appointed in June 1986. Originally his father M.Venkata Subba Rao was the regular Extra Departmental Branch Post Master ^{of I.M.P.O.} ~~there~~ and he retired on superannuation on 30-6-1986. Prior thereto the Respondent issued a notification dated 7-3-1986 calling for applications from eligible

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candidates for appointment to the post of Branch Post Master, Kothapeta, and the applicant applied in response to the said notification. He fulfills the qualifications prescribed for the said post and was eversince working as the Extra Departmental Branch Post Master. His work and conduct were also found satisfactory during the inspection conducted by the Sub-Divisional Postal Superintendent, Kandukur. The applicant further states that to his surprise and dismay, the respondent issued a notification dated 24-11-1987 calling for applications for the Post of Branch Post Master, Kothapeta. He contends that since he has been appointed as a regular Branch Post Master at Kothapeta and is continuing as such, there is no vacant post for which fresh applications can be validly called for. He, therefore, seeks a direction to set aside the impugned notification dated 24-11-1987 as illegal, void and without jurisdiction, and also for a direction to continue the applicant as Branch Post Master at Kothapeta Village on regular basis.

3. The respondents in their counter state that for the vacancy of Branch Postmaster of Kothapeta that was likely to arise from 1-7-1986, a notification was sent to the District Employment Exchange. Since no candidate was sponsored by the Employment Exchange, the authorities issued a notification on 7-3-1986 calling for applications in response to which 5 candidates, including the applicant, applied. Thereafter the selection file was referred to the Director of Postal Services, Vijayawada, on 15-7-1986 in accordance with the instructions of the Additional Postmaster-General, Hyderabad. The Director of Postal Services, Vijayawada, by his letter dated 24-7-1987 observed that none of the applied candidates were having any independent means

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of Income/Property, which is a pre-requisite qualification to the post of Branch Postmaster. Hence the Respondent was advised to renotify the vacancy. In these circumstances, a fresh requisition for candidates from District Employment Exchange was made on 4-9-1987. Since no candidate was sponsored by the District Employment Exchange, an open notification was issued on 24-11-1987. The applicant had also applied pursuant to the said notification dated 24-11-1987. Having responded to the notification it is not open to the applicant to question the notification. Since none of the 5 applicants, who had applied to the post in response to earlier notification dated 7-3-1986 have independent means of income/property, which is a pre-requisite condition for appointment to the post, a fresh notification had to be issued. Therefore it is contended that the application has no merits and the same may be dismissed.

4. We have heard Shri J.Ashok Kumar, Standing Counsel for Postal, for the Respondent. Neither the applicant nor his Counsel is present.

5. Shri J.Ashok Kumar has also placed the relevant papers before us. In response to the notification dated 7-3-1986 calling for applications 5 persons including the applicant had applied. The applicant was selected by the Superintendent of Post Offices. However, the Director of Postal Services, called for the file and after review directed calling ^{for} fresh applications. The applicant had been already appointed. The appointment of the applicant could not be set aside by the reviewing authority without issue of a notice to the applicant and giving an opportunity to

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show that he satisfies the requirements.

6. In the circumstances, we set aside the orders of the Director of Postal Services, Vijayawada, dated 24-7-1987 directing for renomination and consequently the notification dated 24-11-1987 issued by the respondent bearing Memo No.83/Kothapeta. This, however, does not preclude the respondent from issuing a notice to the applicant and taking further action according to rules, if they wish to set aside the appointment of the applicant. With the above direction, the application is allowed. No order as to costs.

B.N.Jayasimha
(B.N.JAYASIMHA)
Vice Chairman

D.Surya Rao
(D.SURYA RAO)
Member (Judicial)

Dated: 19th February, 1990.
(Dictated in the open Court)

msr/vcr.

TO:

1. The Senior Superintendent of post offices, Prakasam Division, Ongole.
2. One copy to Mr.P.Sreerama Moorthy, Advocate, 6-2-45/5/8, Holy Mary School road, A.C.Guards, Hyderabad.
3. One copy to Mr.J.Ashok Kumar, SC for postal department, CAT, Hyderabad.
4. One spare copy.

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k.j.

W.M.P. - 1990