

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

C.A.No. 450/89

T.A.No.

Dt. of Decision: 22-2-93

G. Gopalakrishna Reddy

Petitioner

K.S.R. Anjaneyulu

Advocate for
the Petitioner
(s)

Versus

UDI, rep. by The Secretary, Dept. of Posts,
New Delhi, and 3 others

Respondent.

N.R. Devaraj

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. N.V. KRISHNAN, VICE CHAIRMAN(A), AHMEDABAD BENCH

THE HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
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.)

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(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

DA.450/89

date of decision : 22-2-93

Between

G. Gopalakrishna Reddy

: Applicant

and

Union of India, rep. by

1. The Secretary
Department of Posts
New Delhi.

2. The Chief Post Master General
Hyderabad -

3. The Superintendent of Post Offices
Tirupathi Postal Division
Tirupathi.

4. Assistant Supdt. of Post
Offices,
Puttur.

: Respondents

Counsel for the Applicant

: K.S.R. Anjaneyulu
Advocate

Counsel for the Respondents

: N.R. Devaraj, Standing
Counsel for Central Govt.

CORAM

HON. MR. N.V. KRISHNAN, VICE-CHAIRMAN (ADMN), AHMEDABAD BENCH

HON. MR. JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN

Judgement

(Orders as per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

When a vacancy for the post of Branch Post Master at Kamparapalem in Chittoor had arisen consequent on the death of the regular BPM on 4-11-1987, the Appointing Authority, R-3, herein addressed the Employment Exchange to sponsor the candidates and the applicant was one of those sponsored candidates.

✓ He alongwith the sponsored candidates were required to submit

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the applications by enclosing the necessary documents vide letter No.83/146, dated 10-12-1987 addressed by R-3. Accordingly, the applicant also submitted an application and he was selected. The proceedings dated 21-10-1988 were issued by R-3 appointing the applicant as BPM, Kamparapalem.

2. Later on it was brought to the notice of the Director of Post Offices, AP Circle, that Sri P. Krishnaiah, the then Acting BPM, Kamparapalem, made enquiries in the office of R-3 on 10-11-1988 about the selection of the candidates and ^{he} also produced a postcard addressed to the Applicant purportedly written by Sri A. Venkataramana, Head Record Officer, RMS, ^{wherein it was stated that} Tirupathi, ~~in favour of~~ the applicant that ~~he~~ was selected.

Then the Director of Postal Services, AP Circle, decided to discharge the said Acting BPM, from the post immediately and terminated his service as Acting BPM for his objectionable action of intercepting the mail and not delivering the same.

3. But the Director of Postal Services, Andhra Pradesh Circle, also felt that ~~his~~ selection of the applicant was made open before it was communicated to him, it was desirable to have fresh selection ~~proceedings~~ and accordingly the Director directed R-3 to initiate fresh selection for filling up the vacancy of BPM, in Kamparapalem and the same was received by the R-3 on 17-2-1989. But by then the appointment order was already communicated to the applicant and ~~as~~ the applicant had also taken charge ~~on the same date~~. Respondent-3 by letter dated 22-2-1989 informed the applicant that his appointment as per proceedings dated 21-10-1989 was purely temporary and provisional and action was being taken to make regular appointment to the post of BPM by calling applicants through Employment Exchange. The notification dated 27-3-1989 was issued by




R-3 calling for the applications for the post of BPM, Kamaparapalem. This OA is filed to assail the letter dated 22-2-1989, informing the applicant that his appointment was purely temporary and provisional and also to challenge the notification dated 27-3-1989 calling ^{for} fresh applications. ^{Selection process} This Tribunal by Interim Order suspended the ~~other~~ proceedings in pursuance of the notification dated 27-3-1989.

4. It is manifest from the proceedings dated 21-10-1988 ^{of} R-3 that the appointment of the applicant as BPM, Kamaparapalem village is a regular appointment. It was not mentioned therein that it was purely temporary and provisional. ~~If~~ Even the learned Standing Counsel for the respondents had not submitted that the appointment of the applicant as BPM is not according to the then existing recruitment rules. It is not averred in the counter that the Director of Post Offices, AP Circle ~~even~~ suspected that the appointment of the applicant is for extraneous considerations. In such a case, the appointment which is a regular one cannot later on be considered temporary or provisional. When the appointment of the applicant was regular and when he had taken charge of the post, no vacancy exists in regard to the post of BPM, Kamaparapalem, and as such there are no circumstances to issue a fresh notification to call for applications for the post of BPM, Kamaparapalem, village.

5. Heard Mr. K.S.R. Anjaneyulu, learned counsel for the applicant and Mr. N.R. Devaraj, learned counsel for the respondents.

6. Accordingly, the letter dated 22-2-1989 treating the applicant's appointment as temporary and provisional and to initiate action for making regular appointment to the post of

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

The Hon'ble Mr. N. V. Krishnan : V.C. (A)
THE HON'BLE MR. V. NEELADRI RAO : V.C. (J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M (A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND

THE HON'BLE MR.

DATED: 22-2-1993

ORDER/JUDGMENT:

R.P./C.P/M.A. No.

in

C.A. No. 450/89.

T.A. No.

(W.P. No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

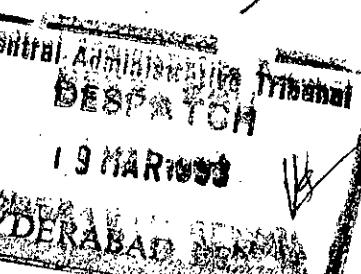
Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.



pvm