

(25)

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

O.A.No.491 of 1989.

Date of Judgment:30-01-1990.

Smt.B.Vedavathi

...Applicant

Versus

Superintendent of Post Offices,  
Proddutur Division & another

...Respondents

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Counsel for the Applicant : Shri M.Surender Rao

Counsel for the Respondents : Shri E.Madan Mohan Rao, Addl. C.S.

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CORAM:

HONOURABLE SHRI D.SURYA RAO : MEMBER (JUDL)

HONOURABLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

(Judgment of the Bench dictated by Hon'ble  
Shri D.Surya Rao, Member (J)).

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The applicant herein is a Short Duty Postal Assistant who was working at Proddutur Division in Andhra Pradesh from 2-1-1982 till 28-1-1987. She complains that her name was deleted from the select list of Short-Duty Postal Assistant candidates, of II Half year 1981 recruitment, by an order dated 28-1-1987. The order reads that in accordance with the instructions <sup>of the B</sup> DPS, APSR, Kurnool letter No.RDK/RE/4-13/85 dated 8-10-86 <sup>her</sup> name was deleted. She states that she made a representation on

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16-02-1987 requesting the 2nd respondent to continue her in the list as she has been working for more than 5 years. <sup>She A</sup> She was followed by another representation dated 12-5-1988. No response was given even to this representation <sup>A</sup> also. She further states that as she is working for more than 5 years she is eligible for regular appointment and vacancies are also available in the Proddutur Division. Juniors to the applicants were appointed in the same division in regular vacancies. She therefore prays <sup>Hon'ble</sup> this/Tribunal to declare Impugned order No.B/SDS/86-87 dated 28-1-1987 is illegal, arbitrary.

2. On behalf of the respondents a counter had been filed admitting that the applicant had <sup>been it</sup> included in the select list of Prodduturu Division in the IInd half year of 1981. After training she ~~was~~ joined as Short Duty Clerk at Proddutur H.O. While she was working as short duty clerk, she applied <sup>for</sup> to the recruitment <sup>as</sup> of RTP Postal Assistants in Cuddapah Division, for the II half year end of 1982. She had not disclosed the fact that she is working as short duty clerk in Proddutur Division. The respondents further state that she was sent <sup>for</sup> theoretical training at Postal Training Centre, Mysore. After completion of training she was directed to report in Cuddapah

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Division to work as Short Duty Clerk but she did not respond to the call. A final notice was issued to her that her name would be deleted from the selection list if she does not report to the call to work as Short Duty Clerk. This notice was served to the applicant on 26-4-1986, but she did not respond to this notice also. Therefore her name was deleted from the select list of Cuddapah Division by a memo dated 17-6-1986. It is contended that the applicant suppressed this fact in this application. It is admitted that the applicant worked as Short Duty Clerk in Proddutur Division for 120 days within a period of 6 months and that she had become eligible for absorption in regular establishment. It is however ~~is~~ stated that the applicant's case for absorption was considered by the competent authority, but since her name was already removed from the list of Cuddapah Division for failure to respond to duty. <sup>a</sup> Consequently her name was also removed from the list of Proddutur Division with effect from 28-1-1987. It is further stated that her representation to the Director of Postal Services, Kurnool was rejected as there was no ground to intervene in this case.

3. The applicant submitted a reply stating that after she applied for a post in Cuddapah Division, she informed by a letter dated 29-11-1983 that as she already worked in Proddutur Division, her name may be deleted

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from the list of Cuddapah Division and further prayed that she may be continued in Proddutur Division. It is contended that the deletion of her name from the list of Cuddapah Division is not relevant for the purpose of her continuance in the Proddutur Division.

4. We have heard the learned counsel for the applicant Shri M. Surender Rao and Shri J. Ashok Kumar, learned standing counsel for respondents. The short question that arises for determination is whether the order dated 28-1-1987 deleting the name of the applicant from the Short-Duty-Postal Assistants List of candidates relating to Proddutur Division is proper. Admittedly no notice was given to the applicant before deletion of her name from the list of Proddutur Division. The applicant claims that as early as in November, 1983 she informed the authorities that she is working in Proddutur Division and her name can be deleted from the Cuddapah Division. It is contended by Shri Ashok Kumar, that the records disclose that the deletion of the name of the applicant from the list <sup>of</sup> Proddutur Division is as a punitive measure. If the action taken is punitive than it is an added ground

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To:

1. The Superintendent of post offices, department of posts, Proddutur division, Proddutur, Cuddapah district.
2. The Director of postal services, Andhra Pradesh southern Region, Department of posts, Kurnool.
3. One copy to Mr.M.Surender Rao, Advocate, Plot No.5-C, Bagh Amberpet, Durgabai Deshmukh colony, Hyderabad.
4. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC,CAT,Hyderabad.
5. One spare copy.

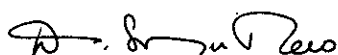
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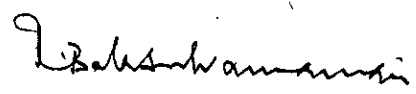
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One  
forward m/s 24/9  
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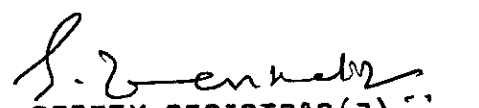
<sup>that</sup> ~~why~~ notice ought to have been issued. It is thus clear that the impugned order dated 28-1-1987 is illegal and cannot be sustained. It is also clear that the order dated 28-1-1987 has become infructuous in view of the subsequent regular absorption of the applicant at Proddatur by the High<sup>er</sup> Authorities. We may in this context state that the applicant's counsel furnished a copy of Order No.SP/21-69/88-I dated 5-5-1989 issued by the Chief Post Master General A.P. regularly absorbing her. In the circumstances, we set aside the order dated 28-1-1987 and the applicant is directed to be re-instated as a Short-Duty Postal Assistant or regular Postal Assistant in accordance with the orders dated 5-5-1989. With these directions we allow the case without costs.

  
(D.SURYA RAO)  
Member (J)

  
(R.BALASUBRAMANIAN)  
Member (A)

Dated: 30th January, 1990.  
(Dictated in Open Court)

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DEPUTY REGISTRAR (J)  
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Draft by: Checked by: Approved by  
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH.

HON'BLE MR. B.N. JAYASINHA: (V.C.)  
A N D

HON'BLE MR. D. SURYA RAJ: MEMBER (SUDL.)  
A N D

HON'BLE MR. J. NARASINHA MURTHY: (M) (J)  
A N D

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

DATED: 30.1.90

ORDER/JUDGMENT:

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

I.A.No.

(W.P.No.)

O.A.No. 491/89

~~Admitted and Interim directions  
issued.~~

~~Allowed, without costs.~~

~~Dismissed.~~

~~Disposed of with direction.~~

~~M.A. Ordered.~~

~~No order as to costs.~~

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