

D.A. No. 731/89

T.A. No.

DATE OF DECISION 30-11--1989

V. Ramesh.

Petitioner

Sri K.S.R. Anjaneyulu

Advocate for the
Petitioner(s)

Versus

Union of India represented by the Secretary
to Government, Department of Posts, New Delhi.

Respondent

Sri E. Madan Mohan Rao, Advocate for the
Sri Ashok Kumar, Counsel for the Respondent(s)

CORAM

The Hon'ble Mr. B.N. Jayasimha, Vice-Chairman.

The Hon'ble Mr. J. Narasimhamurthy, 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 Tribunal ? *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) —

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.731 of 1989.

Date of Disposal: 30--11--1989.

Between:

V.Ramesh.

.. .. Applicant.

Vs.

Union of India represented by
the Secretary to Government,
Department of Posts, New Delhi
and two others. Respondents.

Sri K.S.R.Anjaneyulu, Counsel for the Applicant.
Sri J. Ashok Kumar, Standing Counsel for postal Department for Respondents No. 1 to 3.
Sri E.Madan Mohan Rao, Counsel for the Respondent No. 4.

CORAM:

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

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

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

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The Applicant is an Extra Departmental Delivery Agent and he has filed this application questioning the Order No.PF/EDDA/Julapalli dated 1--9--1989 issued by the Sub Divisional Inspector (Postal), Peddapalli (South.) terminating his services as an Extra Departmental Delivery Agent with immediate effect.

The applicant states that he submitted his application for the post of EDDA Julapalli BO in response to the Notification calling for applications. He has fulfilled all the conditions. After due process he was selected for the post by the Sub Division Inspector (Posts), Peddapalli (South) by letter No. PF/EDDA/Julapalli

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dated 9--6--1989. He took charge on 19--6--1989. While so, the SDI(Peddapalli) issued Memp No. PF/EDDA/Julapalli dated 23--8--1989 stating ~~that~~ that on reviewing the recruitment files by the Superintendent of Post Offices, Peddapalli, it is revealed that his selection as EDDA was not in conformity with the recruitment rules and wanted him to explain as to why his services should not be terminated. In the said notice, no indication was given as to why his appointment is not in conformity with the Rules. The applicant submitted a representation dated 26-8-1989 requesting the SDI(P) to intimate as to how his appointment is not in conformity with the rules. He also stated that unless ~~it is clearly stated~~ ^{the} on valid grounds ^{are given} it would not be possible for him to give proper explanation and ^{that} any hasty action in terminating ^{his} service would be dealt with by due process of law. Thereafter, the SDI(P) vide letter No. PF/EDDA/Julapalli dated 1-9-1989 terminated the services of the applicant without giving any valid reasons by merely quoting that the Superintendent of Post Offices, Peddapalli letter No. B2/Julapalli/17 dated 16-8-1989 even without furnishing copy of that letter. The applicant states that by his selection and appointment he acquired right to continue. His services cannot be terminated arbitrarily without disclosing any valid reasons. Hence he has filed this application. ^{that} We ~~have~~ suspended the impugned order by our order dated 22--9--1989 .

Respondent No.4 got himself impleaded. He has filed a reply stating that after the applicant was given the charge, he represented to the Superintendent of Post Offices with regard to illegal ^{selection} ~~section~~ of the applicant. He submitted ^{that} that 18 persons had applied for the post, ~~and~~ one of the candidates possessed the

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qualification of Intermediate and another candidate belongs to Scheduled Caste. The Inspector of Post Offices without following the relative merits of the candidates made illegal selection of the applicants. He had also stated that he is the brother of the deceased EDDA., and the wife of the deceased EDDA., Smt. Jamuna Bai had put in a representation dated 15-6-89 requesting the SPO., Peddapally that as per relevant instructions, she has to be appointed as EDDA., and requested the S.P.O., to consider her candidature on compassionate grounds. The I.P.O., had not considered the application, and the preference is to be followed according to the rules. The guidelines were ignored by the I.P.O. The illegal action of the I.P.O., has been protested by all the applicants who had applied for the post through representation dated 21-6-1989 to the Superintendent of Post Offices and requested him to enquire into the matter. Respondent No.4 also submitted ~~xxxxxx~~ representations dated 14-6-1989 and 20--6--1989 to the Superintendent of Post Offices requesting to enquire into the matter of illegal/irregular selections and for not following the guidelines. As per rules, the selection file was sent to the Superintendent of Post Offices for considering the illegality of the selection. In view of the representation with regard to illegal selection, the Superintendent of Post Offices had directed Sri Shan Bandari, Assistant Superintendent of Post Offices to conduct an enquiry. Accordingly, he conducted an enquiry in the village and submitted a report after perusing the entire file, to the Superintendent of Post Offices. The Superintendent of Post Offices on considering the

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representations of the 4th respondent and other applicants, issued notice to the applicant calling upon him to explain why his selection should not be cancelled as there was procedure irregularity while making selection. The 4th respondent states that the applicant had submitted his explanation to the said notice.

After receipt of the explanation from the applicant, the services of the applicant were terminated on 1--9--1989 and the I.P.O., was directed to make selections as per guidelines. The I.P.O., subsequently considered all the applications and appointed the 4th respondent by his order dated 1--9--1989. The applicant by suppressing the appointment of the 4th respondent has filed this application and obtained the intefim orders ex parte. He states that he was given the charge of EDDA and he has been working. For these reasons, the 4th respondent states that intefim suspension dated 22--9--1989 is to be vacated and the application has to be dismissed.

We have heard Sri Anjameyulu, learned counsel for the applicant and Sri Madan Mohan Rao, ^{counsel} ^{4th} learned ~~Sri Anjameyulu~~ ~~Sri Madan Mohan Rao~~ for the/respondents, and Sri Ashok Kumar for the Department.

The facts as narrated above disclose that while issuing a notice claiming for the explanation of the applicant as to why his services should not be terminated, no reasons were given as to why it was considered that his selection was not proper.

The applicant's request for furnishing the details *and this was* ~~are~~ not complied with.

However, On a consideration of rival contentions made by the applicant and Respondent No.4 we think it proper to direct the Director of Postal Services of the Region to consider all the 18 applications received in response to the notification calling for applications in accordance with the rules and make ^{the} selection. This shall be done within a period of one month from the date of receipt of these orders. The application is disposed of accordingly. In the circumstances, there will be no order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman.
30--11--1989

J. Narasimhamurthy
(J. NARASIMHAMURTY)
Member(Judicial)
30-11-1989.

SSS.

S. S. S.
DEPUTY REGISTRAR(J).
21/11/89

TO:

1. The Secretary to Government, (Union of India) Department of posts, New Delhi.
2. The superintendent of post offices, Peddapalli.
3. The Sub Divisional Inspector(Postal), Peddapalli(south)-50517.
4. The Director of postal services, North Region, Hyderabad. (By Court order).
5. One copy to Mr. KSR. Anjaneyulu, Advocate, 1-1-365/A, Jawaharnagar, Bakaram, Hyderabad-500 020.
6. One copy to Mr. J. Ashok Kumar, SC for postal department, CAT, Hyderabad for RR 1 to 3.
7. One copy to Mr. E. Madan Mohan Rao, Advocate, High court of AP., H.No. 1-1-650/17, Gandhi Nagar, Hyderabad.
8. One spare copy.

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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.JAYASIMHA: (V.C.) ✓

AND

HON'BLE MR.D.SURYA-RAO: MEMBER(JUDL)

AND

HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)

AND

HON'BLE MR.J.NARASIMHA MURTHY: MEMBER(J) ✓

DATED: 30-11-89

ORDER/JUDGMENT

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

T.A.No.

(W.P.No.)

D.A.No. 731/89

~~Admitted and Interim directions~~
~~issued.~~

~~Allowed.~~

~~Dismissed.~~

~~Disposed of with direction.~~

~~M.A. Ordered.~~

No order as to costs. ✓

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