

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.903 of 1989

DATE OF ORDER: 5th September, 1990.

BETWEEN:

Mr. Alavalapati Vijayabhaskara Reddy .. Applicant

AND

1. The Superintendent of Post Offices,
Proddatur, Cuddapah District.

2. Shri S.Sreenivasula Reddy,
Karnapapayapalli,
Lingala Mandalam,
Cuddapah District.

.. Respondents

FOR APPLICANT : Mr. K.Sudhakar Reddy, Advocate.

FOR RESPONDENTS : Mr. Madan Mohan Rao, Addl. CGSC.

CORAM: Hon'ble Shri B.N.Jayasimha, Vice Chairman
Hon'ble Shri D.Surya Rao, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
(SHRI D.SURYA RAO, MEMBER (JUDL.))

The applicant herein seeks to question the Memo No.83/B/K.P.Palli dated 27.4.1989. Prior to filing of this application, there were two earlier applications viz., O.A.No.246 of 1987 and O.A.No.568 of 1988. O.A.No.246 of 1987 was filed questioning the selection of the 2nd respondent herein. This Tribunal had directed that there was no application of mind in selecting the candidate. Consequently, the Tribunal set-aside the selection of the 2nd respondent. The competent authority was directed to reconsider the matter and make a proper selection in accordance

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with the rules. Pursuant to that order, the competent authority instead of considering the applicant and the 2nd respondent, issued a fresh notification calling for fresh applications. This action was questioned in O.A. No.568 of 1988. We had observed therein that the action in re-notifying the vacancy was not in accordance with the earlier direction in O.A.No.246 of 1987 and the matter was remanded to the competent authority for making selection in accordance with the rules from among the candidates who had responded pursuant to the notification dated 23.9.1986. Thereupon, the competent authority has now passed the following impugned order dated 27.4.1989:-

"The Central Administrative Tribunal, Hyderabad Bench directed in its judgment dated 23.12.1988 to reassess the eligibility of the candidates who applied pursuant to the notification dated 23.9.1986 and make selection in accordance with the rules. Accordingly, I reviewed the entire case again by reassessing the eligibility of all the three candidates and I find no reason to revise the earlier orders of selection which is in accordance with rules on the subject."

The applicant questions this order as not being in accordance with the directions of the Tribunal.

3. We have heard the learned counsel for the applicant, Shri K.Sudhakar Reddy and the learned counsel for the respondents, Shri E.Madan Mohan Rao, Addl. CGSC who has placed ~~para~~^{para}wise remarks submitted by the respondents. It is clear that the order dated 27.4.1989 is ex-facie illegal once the Tribunal ^{has} set-aside the earlier order of appointment of the 2nd respondent. It is incumbent on the 1st respondent to consider the cases of all the applicants afresh ignoring the earlier selection made by

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him. It was not open to him to state that the earlier order of selection is in accordance with the rules on the subject. The Superintendent of Post Offices, Proddatur Division ought to have reassessed the merits of all the three candidates keeping in view various instructions issued by the Department and made a fresh selection instead of reiterating that the earlier order is proper. The said impugned order dated 27.4.1989 is set-aside. Accordingly, we direct the 1st respondent to consider the merits of the candidates who had applied pursuant to the notification dated 23.9.1986, having due regard to the various instructions on the subject and make a fresh selection in accordance with the rules, within a period of three weeks from the date of receipt of this order. The application is accordingly disposed of. There will be no order as to costs.

(Dictated in the open Court).

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

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

Dated: 5th September, 1990.

for *Superintendent*
Dy. Registrar (Judl)

To

1. The Superintendent of Post Offices,
Proddatur, Cuddapah Dist.
One copy to Mr. K. Sudhakar Reddy, Advocate
copy to Mr. E. Madanmohan Rao, Addl. CGSC. CAT. Hyd.
spare copy

vsn

10/10/1990

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verat
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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

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

DATE: 5/9/90

ORDER/JUDGMENT:

L.A. / R.A. / C.A. / No. in

T.A. No.

W.P. No.

O.A. No. 903/89

Admitted and Interim directions issued
Allowed.

Dismissed for Default.

Dismissed as withdrawn by Administrative Tribunal
Dismissed.

Disposed of with direction.

M.A. ordered rejected.

No order as to costs.

