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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 951/89
~~T.A. No.~~

198

DATE OF DECISION 3.6.1992

M. Anjaneya Swamy Petitioner

Mr. K. S. R. Anjaneyulu Advocate for the Petitioner(s)

Secretary to Govt. versus
Dept. of Posts, New Delhi

and 4 others. Respondent

Mr. N. Bhaskara Rao Advocate for the Respondent(s)

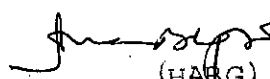
CORAM :

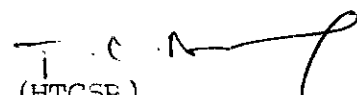
The Hon'ble Mr. A. B. GORTHI, MEMBER (ADMN.)

The Hon'ble Mr. T. CHANDRASEKHARA REDDY, MEMBER (JUD L.)

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

MGIPRRND-12 CAT/86-3-12-86-15,000


(H.A.S.G.)
M(A)


(H.T.C.S.R.)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.951/89

Date of the Order: 3.6.1992

BETWEEN:

M.Anjaneya Swamy

.. Applicant.

A N D

Union of India rep. by:

1. Secretary to Government,
Dept. of Posts, New Delhi.
2. Chief Post Master General,
Hyderabad.
3. Post Master General,
Vijayawada.
4. Director of Postal Services,
Visakhapatnam.
5. The Superintendent of Post
Offices, Vizianagaram.

.. Respondents.

Counsel for the Applicant

.. Mr.KSR.Anjaneyulu

Counsel for the respondents

.. Mr.N.Bhaskara Rao, *Adm. Case*

CORAM:

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

(Order of the Division Bench delivered by

Hon'ble Shri A.B.Gorthi, Member (Admn.)).

Aggrieved by the proposed action of the respondents to make a fresh appointment to the post of Extra Departmental Branch Post Master (EDBPM) at Village Jonnavalasa District Vizianagaram, the applicant has filed this application under Section 19 of the Administrative Tribunals Act, praying that the notification issued by the respondents dated 23.10.89 be declared as illegal and set aside.

2. The applicant having been duly selected was appointed on a regular basis as EDBPM of village Jonnavalasa, District Vizianagaram on 23.3.1989. Thereafter, ^{he} continued to discharge the duties satisfactorily, without any complaint from any quarter. Notwithstanding the same, he learnt that a fresh notification was issued by the respondents calling for applications for filling up the post to which he was regularly appointed. He represented to the respondents on 26.10.1989 but without any success. Hence this application.

3. The respondents in their brief counter affidavit have admitted ^{the} essential facts of the case. The contention on behalf of the respondents is that subsequent to the appointment of the applicant there was a complaint from Sri P.L.N.Raju, Ex MLC bringing out certain irregularities in the matter of appointing the applicant and also containing certain allegations against the applicant. Accordingly, ^a the decision was taken by PMG, Vijayawada to make a fresh appointment. Hence the notification by the respondents.

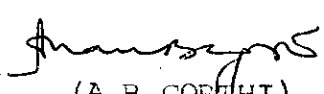
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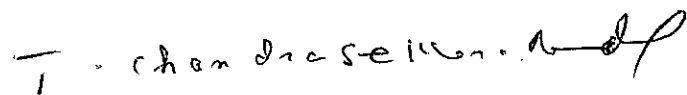
1. The Secretary to Govt. Union of India,
Dept. of Posts, New Delhi.
2. The Chief Post Master General, Hyderabad.
3. The Postmaster General, Vijayawada.
4. The Director of Postal Services, Visakhapatnam.
5. The Superintendent of Post Offices, Vizianagaram.
6. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT. Hyd.
7. One copy to Mr. N. Bhaskara Rao, Addl. CGSC. CAT. Hyd.
8. One spare copy.

pvm.

4. It is apparant that the respondents proposed to terminate the services of the applicant and make a fresh appointment to the post held by the applicant for no other reason than that there were some allegations against him as brought out by Sri P.L.N.Raju, Ex MLC. At the very out set, it may be stated that the appointments in Government service cannot and ought not to be made or cancelled on political interference. In any case if the respondents were convinced that there was some irregularity in the appointment of the applicant or that there were certain allegations against the applicant the proper course for the respondents to, have followed is that a regular departmental enquiry should have been held, with a view to determine the guilty or innocence of the applicant. In these circumstances the proposed action of the respondents, taken behind his back, is violative of the principles of natural Justice and cannot therefore be sustained.

5. In the result, we set aside the notification dated 23.10.1989 issued by Director of Postal Services Visakhapatnam vide his letter dated 28.11.1989 (Annexure 2 and 4 to the application). The applicant who is continuing in his appointment by virtue of interim relief granted by the Tribunal shall not be disturbed from his present post. The respondents shall not terminate the services of the applicant, except in accordance with law. There shall be no order as to costs. The OA is allowed accordingly.


(A.B. GORLHI)
Member (Admn.)


(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated : 3rd June, 1992

(Dictated in the Open Court)


Deputy Registrar (J).

(3)
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR. A. B. Gokhi - M(A). ✓

AND

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

AND ✓

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: MEMBER (JUDL) ✓

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 3-6-1992. ✓

~~ORDER~~ / JUDGMENT

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

in

O.A.No. 951/89.

~~T.A.No.~~

(~~W.P.No.~~)

Admitted and interim directions issued

Allowed ✓

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

Central Administrative Tribunal

DESPATCH

10 JUN 1992

HYDERABAD BENCH.