

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.986/89

Date of Order: 16.10.1992

BETWEEN :

V.Narasimha Swamy

.. Applicant.

A N D

Union of India rep. by :

1. The Secretary to Government,
Dept., of Posts, New Delhi.
2. The Director of Postal Services,
Andhra Pradesh Southern Region,
Kurnool-5.
3. The Supdt. of Post Offices,
Wanaparthy Division,
Wanaparthy- 509 103.

.. Respondents.

Counsel for the Applicant

.. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr.N.R.Devraj.

CORAM:

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

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

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.)

The applicant who joined as the Branch Post Master (B.P.M.) of the village Vallabhapur provisionally w.e.f. 3.4.1989 ~~responded~~ to a notification of the respondents No. dated 19.5.89 B2/24-15/89 and applied for appointment in that post. Although due selection process was carried out, the result of the said selection was not declared. The applicant was surprised when a re-notification was made on 8.12.1989 calling for applications once again for filling up the same post of B.P.M. at Vallabhapur village. Aggrieved by the same and apprehending his non-selection, the applicant approached this Tribunal with a prayer to declare the re-notification dated 8.12.1989 as arbitrary and illegal and to direct the respondents to appoint him on the basis of the selection made in pursuance of the earlier notification dated 19.5.1989.

There is no dispute as regards the fact that a notification was made on 19.5.89 and that the applicant was one of the candidates who applied for the post of B.P.M. Vallabhapur village in response to the said notification. The respondents' case is that in the process of selection they found that all the 3 candidates whose applications were received were found ineligible for some reason or the other. So far as, the applicant is concerned it was found that he was also holding the dealership of ^a fair price shop. Accordingly it was considered proper by the respondents to issue a re-notification calling for fresh applications. The applicant once again applied ~~for~~ in response to the re-notification. As the applicant was in the meantime provisionally appointed as B.P.M. at Vallabhapur Post Office, he was asked in writing on 17.9.1990 whether he would like to give up his dealership of the fair price shop, so that he could become eligible for selection. The applicant immediately

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To

1. The Secretary to Govt.,
Union of India, Dept. of Posts,
New Delhi.
2. The Director of Postal Services, A.P.
Southern Region, Kurnool-5.
3. The Superintendent of Post Offices,
Wanaparthy Division, Wanaparthy-103.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.N.K.Devraj, Senior CGSC.CAT.Hyd.
6. One copy to Mr.A.B.Gorthi, Hon'ble Member (A)CAT.Hyd.
7. One copy to Mr.T.Chandrasekhar Reddy, Hon'ble Member (J)CAT.Hyd.
8. One spare copy.

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conveyed to the authorities concerned that he had given up his delearship of the fair price shop. He therefore, requested that his candidature may be considered favourably.

There does not seem to be any dispute with regard to the facts of this case. In these circumstances we do not find an illegality or arbitrariness in the action of the respondents in not proceeding further with the earlier notification dated 19.5.1989 or with the issuance of re-notification dated 8.12.89. By virtue of an interim relief granted by this Tribunal the applicant continues to be in the post of B.P.M. Vallabhapur village.

Having heard learned counsel for both the parties and having perused the material on record we find that this application can be disposed of by holding the re-notification dated 8.12.1989 as valid and directing the respondents to go-ahead and complete the selection process in pursuance of the said notification. The applicant shall be continued in his appointment until selected candidate is appointed.

The application is disposed of in the above terms with no order as to costs.

A. B. Gorthi
(A.B.GORTHI)
Member (Admn.)

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 16th October, 1992

(Dictated in Open Court)

20/11/92
Deputy Registrar (J)

sd

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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

AND

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

AND

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

Dated: 16 - 10 - 1992

ORDER/JUDGMENT:

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

in

O.A. No. 986 / 89

T.A. No.

(wp. No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

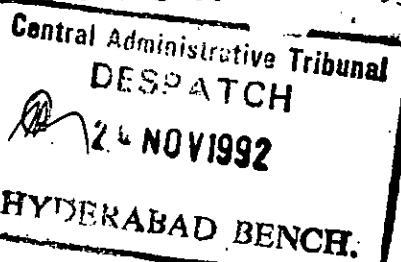
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.



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