

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

Thurs DAY THE ninth DAY OF February
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

D. Surya Rao : Member (Judl)
THE HON'BLE MR. B.N. JAYA SIMHA : VICE-CHAIRMAN
AND
THE HON'BLE MR. D. SURYA RAO : MEMBER (Admn) (SUDL.)
D.K. Chakravorty

ORIGINAL APPLICATION NO. 96 OF 1989

BETWEEN:-

M. Sudhakara Rao

...Applicants

AND

Union of India, Represented by

1. The Secretary to Government,
Department of Posts,
New Delhi

2. The Additional Post Master General,
Vijayawada.

3. The Senior Superintendent, RMS Y Division,
Vijayawada.

...Respondents

4. The Sub Divisional Inspector,
RMYS Y 2nd Sub Division,
Vijayawada.



ORIGINAL APPLICATION NO. 96 of 1989

The applicant herein states that he was initially appointed as a Water Boy on temporary basis by an order dated 22.1.1980 issued by the Senior Superintendent, RMS-Y Division, Vijayawada (3rd respondent). Subsequently he was regularly appointed to Group 'D' post by ^a~~order~~ under a letter dated 1.7.1986 by the same authority i.e., 3rd respondent. It is clearly mentioned in the said order that ^{the} applicant's appointment is made against an existing vacancy. The applicant contends that for all purposes, his appointment is a regular appointment. The applicant states that while he was working as an Orderly in the IRM-Y II Sub-division, Vijayawada, he received a notice dated 25.1.1989 purported to have been issued Under Rule 5(1) of the CCS (Temporary Services) Rules, 1965 informing him that his services will stand terminated with effect from the date of expiry of a period of one month from the date of its service. The applicant submitted a representation dated 28.1.1989 to the Additional Post Master General, A.P. Circle, Vijayawada (2nd respondent). No reply was given thereto. It is now contended that having been regularly appointed to ^aGroup 'D' post, it is not open to the respondents to terminate the services of the applicant under Rule 5(1) of the CCS (T.S.) Rules, 1965 and as such the impugned

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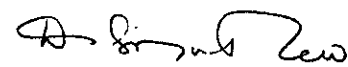
order dated 25.1.1989 is without jurisdiction and
ab initio void.

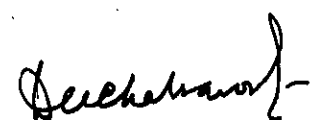
2. Heard the learned counsel for the applicant
and Shri Naram Bhaskar Rao, Addl. Central Government Standing
Counsel.

3. It is seen from the record that the applicant
has submitted a representation to the Additional Post Master
General, A.P.Circle, Vijayawada which is yet to be disposed
of by him. Hence this application can be disposed of with
a direction to the Additional Post Master General, A.P.
Circle, Vijayawada (2nd respondent) to dispose of the
representation dated 28.1.1989 as expeditiously as possible.
Till a final order is passed thereon, the applicant shall
not be ousted from service. ^{7th} grounds taken by the applicant
Ad in this application will also be taken into consideration
by the 2nd respondent when disposing of the said representation.

4. With these directions, the application is
disposed of. There will be no order as to costs.

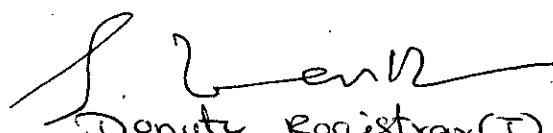
Dictated in the open court.


(D. Surya Rao)
Member (J)


(D. K. Chakravorty)
Member (A)

Dated 9th day of February 1989

MDJ*


Deputy Registrar(J)
15/2/89

(3)

Y.L.K.R. ^{KS}
14.2.89. 15.2.89.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

D. Surya Rao M
HON'BLE MR. ~~B.N. JAYA SIMHA~~: (V.C.) (5)
AND
HON'BLE MR. ~~D. SURYA RAO~~: (M) (Admn. JUDGE)
D.K. Chakraverty

DATED: 9.2.89

ORDER/JUDGMENT

T.A/O.A. 96/89
(W.P.)

~~Admitted by D. Surya Rao~~
~~Admitted by D. K. Chakraverty~~
~~Disposing of the case~~
~~Not admitted as the case~~
while admitting off

Central Administrative Tribunal
DESPATCH
16 FEB 1989
HYDERABAD BENCH.

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