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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.286/90

Date of Order: 8.6.1993

BETWEEN:

R.Bhagyalakshmi Devi.

.. Applicant.

A N D

1. The Secretary to the Govt.,
of India, Dept. of Posts.
New Delhi.

2. The Post Master General,
Kurnool.

3. The Director of Postal Services,
Kurnool.

4. The Superintendent of Post Offices,
Kurnool Division, Kurnool.

.. Respondents.

Counsel for the Applicant

.. Mr. K.S.R. Anjaneyulu

Counsel for the Respondents

.. Mr. N.V. Ramana

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 took over charge of Extra Departmental Branch Post Master (EDBPM) at Balapalapalli Branch Post Office w.e.f. 6-1-1990 has prayed in this application that the notification dt.11-1-1990 issued by the Superintendent of Post Offices, Kurnool Division (Respondent No.4) is unwarranted and unjustified and hence the same be set aside. The applicant has further prayed that the respondents may be directed to issue a regular appointment order to her appointing her to the post of EDBPM, Balapalapalli Branch Post Office.

2. In response to a notification issued by the SPO, Kurnool Division, the applicant sent her application before the last date, i.e. 31-7-1987. While the selection process was in progress, the post was allowed to be held by Smt. Hemalatha on a provisional basis. The applicant reliably learnt that she was selected to the post of EDBPM. She therefore resigned from the post of Anganwadi worker, so that she could be regularly appointed as EDBPM. She was however asked to takeover charge on 6-1-1990 on a provisional basis only, vide SPO's letter dated 24-12-1989. The applicant's contention is that as she was properly selected for appointment as EDBPM, the respondents were not justified in issuing the impugned fresh notification calling for candidates for selection for the same post.

3. The respondents in their reply have stated that Smt. Hemalatha was working as EDBPM w.e.f. 30.6.1986 on a provisional basis. The vacancy was notified to all concerned. The applicant ~~as~~ also Smt. Hemalatha and few other candidates, submitted their applications together with all other documents in support of the applications. Initially the name of ~~as~~ Smt. Hemalatha was recommended for appointment but ~~as~~ there was a dispute regarding her exact educational qualifications she was not declared as having been finally selected. When the respondents discovered same discrepancy in the actual educational qualifications of Smt. Hemalatha, it was decided by respondent No.4 that the applicant should be selected for the said post. He therefore had communicated to the Director of Postal Services vide the memo dated 30.1.1989 that Smt. Bhagyalakshmi Devi (Applicant) is selected for the post of BPM, Balapalapalli Branch Office and that Smt. Hemalatha having not passed 10th class ~~as~~ was not considered for the post of BPM in view of the availability of SSC passed candidates. In the said communication a reference was also made to the fact that Smt. Bhagyalakshmi Devi tendered her resignation from the post of Anganwadi Worker. ~~as~~ Although the said communication was dated 30.1.1989 no final decision was taken by the respondents for various reasons including the fact that the relevant file was misplaced. Finally a decision seems to be taken in favour of the applicant as is very apparent from the fact that she was asked to take over charge of EDBPM at Balapalapalli, Branch Office.

4. We have heard learned counsel for both the parties.

5. As the facts stated in the application read with the reply affidavit did not present a cogent picture to us, we got the complete record related to the selection and perused the same. The record clearly indicates that initially the name of Smt. Hemalatha was recommended for appointment. But as it transpired that she furnished wrong information with regard to her educational qualifications and that she studied only up to 9th class, a positive decision was taken by the competent authority, i.e., the Superintendent Post Offices, Kurnool Division that Smt. Bhagyalakshmi (applicant) was selected. May be that a definite communication was not given to the applicant to the effect that she was selected, but coming to know of her selection, she did resign from the post of Anganwadi worker. In any case, the fact remains that keeping in view the complete facts of the case, the competent authority had asked the applicant to take over the charge of EDBPM w.e.f. 6-1-1990. Ever since she is ~~being~~ ^{Devi} continuing at the said post, ~~albeit~~ on account of the interim order passed by this Tribunal.

6. In view of the afore-said facts, we are not satisfied as to how the respondents are justified in issuing a fresh notification for filling up the same post of EDBPM of Balapalapalli, BPO. It was after a prolonged and rather vacuous correspondence between the Superintendent of Post Offices and Director of Postal Services that a decision was taken to select Smt Bhagyalakshmi and not Smt Hemalatha. In view of this, we are of the considered view that the applicant should be deemed to have been properly appointed to the post of EDBPM after a regular selection. The impugned notification dated

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11.1.1990 is hereby set aside and the respondents are hereby directed to issue a proper appointment order appointing the applicant as EDBPM, Balapalapalli, BPO w.e.f. the date she took over the charge of the said post.

7. The application is allowed in the above terms. There shall be no order as to costs.

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

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

Dated: 8th June, 1993
(Dictated in Open Court)

S/16/93
Deputy Registrar (J)

To

1. The Secretary to the Govt. of India,
Dept. of Posts, New Delhi.
2. The Post Master General, Kurnool.
3. The Director of Postal Services, Kurnool.
4. The Superintendent of Post Offices,
Kurnool Division, Kurnool.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT.Hyd.
6. One copy to Mr. N.V. Ramana, Addl. CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (J)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 8-6-1993

~~ORDER/JUDGMENT:~~

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

in

O.A. No. 286/90

T.A. No.

(w.p.)

Admitted and Interim directions
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/ Ordered

No order as to costs.

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