

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

O.A.No.455 of 1990.

Date of Judgment:18-06-1990.

M.Balaram

...Applicant

Vs.

1. Secretary,
Department of posts,
Dak Bhavan,
New Delhi - 110 001.
2. Superintendent of Post Offices,
Sangareddy Division, Sangareddy Dist.
3. Director of Postal Services,
Office of Post Master General,
Hyderabad - 500 001.
4. Post Master General,
Hyderabad Region,
Hyderabad - 500 001.

...Respondents

- - - -

Counsel for the Applicant : Shri S.D.Kulkarni

Counsel for the Respondents : Shri E.Madan Mohan Rao,
Adl. SC for CG.

- - - -

CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Bench delivered by Hon'ble
Shri D.Surya Rao, Member (J)).

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The applicant herein is an employee of the Postal
Department. His case is that he was selected for the
post of Treasurer at the Patancheru L.S.G., Sub-Office



contd.../-

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on regular basis with effect from 1.12.1989 by the second respondent. His contention is that he is the only eligible Postal Assistant, who was entitled to the said appointment. While working at Patancheru as Treasurer, he proceeded on Medical Leave. While on Medical Leave, the second respondent terminated his appointment as Treasurer by a Memo No.B1-19, dated 19.3.1990 and in lieu of the applicant, one Shri M. Ramakrishna Reddy was appointed as Treasurer. The applicant alleges that his termination was without any show cause notice and without giving any reasons/grounds and is as such arbitrary. He therefore seeks quashing of the order No.B1-19 dated 19.3.1990 as arbitrary and illegal and for grant of consequential relief.

2. We have heard Sri S.D. Kulkarni, counsel for the applicant. When the matter came up for admission we had issued notice for respondents and Shri Madam Mohan Rao, Addl. Central Govt. Standing Counsel has taken notice on their behalf. He contends that in all four applications were received for the post of Treasurer, that after appointment of the applicant, a representation was received from the Staff Union that a senior to the applicant Shri M. Rama Krishna Reddy was over-looked. It is stated that if a senior is otherwise eligible, he should be preferred, and since Shri Ramakrishna Reddy was senior among the four candidates, who had applied, the appointment of the applicant was terminated and Shri Ramakrishna Reddy was appointed as Treasurer. Sri Madan Mohan further represents that Shri Ramakrishna Reddy ^{was} also transferred to Prodatur Division and relieved from the Sangareddy Division and that the applicant had been reposted as Treasurer.

(Contd.....)

3. The short question is that whether the impugned order is liable to be set aside on the ground that the principles of natural justice have not been observed. Admittedly, no notice was given to the applicant before the said order of the termination was issued. The question whether the applicant was ineligible for appointment on the ground that Shri Ramakrishna Reddy was senior and ^{whether} ~~whether~~ ^{the law is} ~~whether~~ should have been preferred could have been determined only after issuance of the notice to the applicant and hearing his objections. Since the said notice was not issued it follows that the orders terminating the applicant's appointment are arbitrary and illegal. Accordingly the impugned order dt.19.3.1990 is quashed. It is open to the respondents to issue a notice if the earlier selection was not made properly, and to take action accordingly. Application is allowed. There will be no order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

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

Dt.18th June, 1990

Dictated in the open Court.

Deputy Registrar
DEPUTY REGISTRAR (J).

TO

1. The Secretary, Department of Posts, Dak Bhawan, New Delhi-110001.
2. Superintendent of Post Offices, Sangareddy Division, Sangareddy Di
3. Director of Postal Services, Office of the Post Master General, Hyderabad-500001.
4. Post Master General, Hyderabad Region, Hyderabad-500001.
5. One copy to Mr. S.D. Kulkarni, Advocate, 'Neel-Rekha', 99 P&T Colony, Trimulgherry, Hyderabad-500015.
6. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyderabad.
7. One spare copy,

PSR

mvs/avl

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CHECKED BY

APPROVED BY

TYPED BY

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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 (JUDL.)

AND

THE HON'BLE MR. J. NARASIMHAMURTHY: M(J)

AND

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

DATE : 18/6/90

ORDER / JUDGMENT

M.A./R.A./C.A./No. _____ in

T.A.No. _____ W.P.No. _____

O.A.No. 455/90.

~~Admitted and Interim directions Issued.~~

~~Allowed.~~

~~Dismissed for default.~~

~~Dismissed as withdrawn.~~

~~Dismissed.~~

~~Disposed of with direction.~~

~~M.A.ordered/Rejected.~~

~~No order as to costs.~~

