

(13)

IN CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

BENCH : AT HYDERABAD :

O.A.No.463/90.

Date of Judgment : 30-7-90.

Smt.Jampani Indumathi

...Applicant

Vs.

1. The Director of Postal Services,
Vijayawada, Krishna District.
2. The Superintendent of Post Offices,
Narasarao Pet.
3. Smt.I.Bhagyalakshmi,
W/o Nageswara Rao,
Amaravati Mandal,
Guntur District.

...Respondents

Counsel for the Applicant : M/s M.Pandu Ranga Rao &
Y.S.Venkata Rao

Counsel for the Respondents : Shri Naram Bhaskar Rao,
Standing Counsel for RR 1 & 2.
M/s G.Pedda Babu, Advocate
for R-3.

CORAM:

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

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

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

The applicant herein seeks to question the
order No.B3/Jupudi/90-91 dated 1-6-90 passed by the Res-
pondent No.2 i.e. Superintendent of Post Offices, Narsa-
Rao Pet. The applicant states that applications ^{have} ~~are~~ called
for filling-up the posts of Branch Post Master, Jupudi,
Guntur District. Five persons have applied for the post.

9

(18)

The 2nd respondent who is the appointing authority and also competent authority selected the ^{applicant} ~~person~~ and appointed ^{her} ~~by~~ an order dt. 26-4-90. The applicant took charge on 4-5-90. She was accordingly receiving the salary for the said post. The 3rd respondent herein preferred an appeal to the respondent No. 1 questioning the applicant's appointment. Without notice to the applicant, the 1st respondent set aside her appointment. She states that the 1st respondent has no power to entertain an appeal or to pass an order setting aside her appointment. She therefore seeks a direction to declare/ ^{the order} ~~alleges~~ ^{her} purporting to review ~~the~~ selection made by the respondent No. 2 and appointing the 3rd respondent in her place as illegal and the consequential order dt. 1-6-90 passed by the respondent No. 2 directing the applicant to hand over the charge to respondent No. 3.

2. On behalf of the respondent No. 3 a counter has been filed alleging that the applicant initially appointed by the 2nd respondent ^{was} ~~was~~ arbitrary and without holding an interview was illegally made for extraneous reasons. She states that she made a representation to the Post Master General, Vijayawada bringing forth all particulars and that the 1st respondent has rightly cancelled the appointment of the applicant. ^{It is contended that the 1st respondent being a} ~~as the~~ superior authority has got the power to set aside the order made by the 2nd respondent.

3. We have heard the arguments of Shri Pandu Ranga

(18)

- 3 -

Rao, learned counsel for the applicant, Shri Naram Bhaskar Rao, learned standing counsel for the respondents 1 and 2 and Shri G.Pedda Babu on behalf of the respondent No.3.

The counsels are agreed that the matter can be disposed of on the short question of lack of notice. It is contended for the applicant that she should have been given an opportunity to make a representation on the points raised by the respondent No.3 in her representation to the 1st respondent. That the reviewing authority unilaterally directed termination of the services of the applicant without notice is not disputed. The applicant had been selected by the Appointing Authority i.e. Respondent No.2 after considering the application received in response to the notification calling for applications. If the selection of the applicant was to be set aside, she should have been put on notice and without such an opportunity, the order setting aside her appointment is illegal being opposed to the principles of natural justice. We therefore set aside the impugned order No.83/Jupudi/90-91 dt.1-6-90 and direct that the applicant shall be reinstated to duty with all consequential benefits of arrears of salary etc.,. This order shall not however be a bar to the respondents issuing a notice and to take appropriate action in accordance with the rules if they propose to do so. In such an

Q

event it will be open to the applicant to raise all contentions including the contentions as to jurisdiction before the appropriate authority.

4. For the reasons stated above, the application is allowed. No order as to costs.

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

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

Dated : 30th July, 1990.
Dictated in Open Court.

Suryanarayana *July 30. 1990*
for Deputy Registrar (Judl)

avl/

To

1. The Director of Postal Services,
Vijayawada, Krishna District.
2. The Superintendent of Post Offices, Narasaraopet.
3. One copy to Mr. M. Panduranga Rao and Y.S. Venkata Rao, Advocates
Advocates Association, High Court of A.P., Hyderabad.
- One copy to Mr. N. Bhaskara Rao, Addl. CGSC. CAT. Hyd. Bench.
- One copy to Mr. G. Pedda Babu, Advocate for R.3, H.No. 3-4-516/2 opphs
Advocates Association, High Court of A.P., Hyderabad. Bank of Baroda,
Barkat-pura, Hyderabad.
- One copy.

THE HON'BLE MR.B.N.JAYASIMHA : V.C.

AND

THE HON'BLE MR. D.SURYA RAO:MEMBER(J)

AND

THE HON'BLE MR.J.NARASIMHA MURTY:M(J)

AND

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

DATE: 30/7/90

ORDER/JUDGMENT:

M.A./ R.P./C2A/No.

in

T.A.No.

W.P.No.

O.A.No. 463/90

Admitted and Interim directions issued

Allowed. ✓

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with correction.

M.A. Ordered/Rejected.

No order as to costs.

