

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 483/90

Date of Order : 29.6.1993

BETWEEN :

Ch. Venkata Rao

.. Applicant.

A N D

1. The Post Master General,  
Department of Posts, India,  
Visakhapatnam.

2. The Superintendent of  
Post Offices, Srikakulam Dvn.,  
Department of Posts, India,  
Srikakulam.

3. The Director of Postal Services,  
Dept. of Posts, Visakhapatnam.

.. Respondents.

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Counsel for the Applicant

.. Mr. V. Venkateswara Rao

Counsel for the Respondents

.. Mr. N. R. Devraj

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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.).

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The grievance of the applicant is that although he was regularly selected and appointed to the post of EDBPM, Elamanchali BO, the respondents vide the impugned order dated 4.6.1990 cancelled his selection without assigning any reason. He was, however, allowed to continue to act as B.P.M. till the conclusion of a fresh selection. Aggrieved by the said order he filed this application praying that the impugned order be set aside and that he be allowed to continue in the post of EDBPM, Elamanchili, B.P.M. At the time of admission of this application an interim order was passed directing the respondents to continue the applicant in the post of EDBPM till the disposal of the case.

2. The applicant's contention is that in response to a notification issued by the Superintendent of Post Offices, Northern Division the applicant offered himself as a candidate for the said post. Interviews were held on 14.10.1989 for the said post and the applicant was <sup>E</sup> one selected from ~~xx~~ among the 22 candidates who appeared for the selection. Consequently he was appointed as EDBPM at Elamanchili, BO vide order No. BED/3-252 dated 12.2.1990. The applicant joined duty on 17.2.1990. But, all of a sudden without any notice or enquiry he was given the impugned order dated 4.6.1990 informing him that his selection was cancelled.

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3. No reply affidavit has been filed by the respondents, but from the Annexures enclosed with the application it could be seen that some individuals represented to the Post Master General, Visakhapatnam against the selection of the applicant. In response thereto, the Assistant Director of Postal Services vide communication dated 9.4.1990 informing the said individuals that the selection of BPM conducted by the Superintendent of Post Offices was reviewed by the Director of Postal Services and that a direction was being issued to conduct a fresh selection. On the authority of the said letter the Superintendent of Post Offices issued the impugned memo dated 4.6.1990.

4. Admittedly, the applicant was appointed to the post of EDBPM, Elamanchili, after a proper selection conducted by the competent authority. The ~~selection~~, if any, made against the applicant are not on record. Even presuming that the applicant committed some irregularity in the matter of his selection, a proper course for the respondents to have followed was to institute regular enquiry in accordance with the Extra Departmental Agents Conduct and Service Rules. Not only the respondents ~~failed~~ included to inquire into the matter as laid down in the rules, but the respondents did not even care to give a show cause notice to the applicant calling for his explanation before deciding on the merits of the complaint made against him. It is thus clear that the manner in which the respondents cancelled the selection of the applicant is ~~is~~ contrary to the principles of fairplay and natural

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justice. Consequently the impugned memo dated 4.6.1990 cancelling the selection of the applicant is hereby set aside. There shall be no order as to costs.

*T. C. R.*  
(T. CHANDRASEKHARA REDDY)

Member (Judl.)

*Amusep 65*  
(A. B. GORTHI)

Member (Admn.)

Dated: 29th June, 1993

(Dictated in Open Court)

*857/93*  
Deputy Registrar (Judl.)

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Copy to:-

1. The Post Master General, Department of Posts, India, Visakhapatnam.
2. The Superintendent of Post Offices, Srikakulam Division, Department of Posts, India, Srikakulam.
3. The Director of Postal Services, Department of Post, Visakhapatnam.
4. One copy to Sri. V. Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
6. 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

H. B. North

THE HON'BLE MR. K. BALASUBRAMANIAN  
MEMBER (ADMN)

ANG

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

DATED: 29/6/1993

~~ORDER/JUDGMENT~~

~~R.P./ C.P/M.A.NO.~~

O.A. No.

T.A. NO. \_\_\_\_\_ (W.P. NO. \_\_\_\_\_)

Admitté

allowed.

Disposed of

DISMISSED AS WITNESS

DISMISSED.

Dismissed

Ordered/Rejected.

No order as to costs.

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