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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.926/90

Date of Order:21.12.93

BETWEEN:

J.Venkatrami Reddy

.. Applicant.

A N D

1. The Secretary to Govt.,
Dept. of Posts,
New Delhi.
2. The Chief Postmaster General,
Hyderabad.
3. The Postmaster General,
Kurnool.
4. The Supdt. of Post Offices,
Guntakal.
5. K.Anjaneya Reddy.

.. Respondents.

Counsel for the Applicant

.. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr.V.Bhimanna

Mr. A. Prabhakar Sarma
SA 2-5

CORAM:

HON'BLE Mr.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE Mr.R.RANGARAJAN : MEMBER (ADMN.)

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O.A.No.926/90

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO VICE CHAIRMAN)

The post of Extra Departmental Branch Post Master, of Gajarampalli, a/w Pammdi in Anantapur District had fallen vacant on account of the resignation of the regular BPM. A notification was issued on 2.3.1989 calling for applications for the said post. 11 applications including that of the applicant were received in pursuance of the said notification. The 4th respondent, competent authority, selected the applicant for appointment to the said post. But it is stated for the respondents that in the meanwhile some ~~xxx~~ complaints were received by the Post Master General to the effect that some injustice was done to SC candidates when their cases were excluded on the ground that they were not ^{represented}. Pending consideration of the same, the applicant was appointed as EDBPM of the said village on provisional basis and he took charge of the said post on 19.5.1990. It is also the case of the applicant that later on the 4th respondent selected Shri N. Gopala Krishnaiah, an SC candidate on 3.8.1990 and he was not given the order of appointment as ^{the} reviewing authority. directed the 4th respondent to re-notify the vacancy. Accordingly, (a fresh ~~in~~ notification dated 23.10.1990 (As per Annexure-II) was issued. The same is challenged in this OA. The applicant further prays for a direction to the respondents to regularise his appointment as EDBPM on the basis of selection and appointment made in accordance with the letter dated 18.5.1990 of the 4th respondent.

2. This is ^a the case where in pursuance of the 1st notification, 11 applications including that of the applicant were received. It is not ^a the case where none of them

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is eligible or none of them ~~xxxxxxx~~ filed the requisite documents along with the applications. The learned counsel for the respondents had not drawn our attention to any statutory rule, circular or OM whereby appointing authority can issue fresh notification calling for applications in regard to the post for which applications were received in pursuance of the 1st notification and when those applicants were eligible for the post and when those applications were in order. If there is any irregularity in excluding the case of any of the applicants, then such an irregularity can be looked into, if selection was not finalised. But that will not be a ground for issuing fresh notification. Hence, the fresh notification as per the memo dated 23.10.1990 vide Annexure-II is liable to be set-aside.

3. The learned counsel for the applicant submitted that it is for the 4th respondent to select from among the applicants for appointment to the post of EDBPM and when he already selected the applicant for this post and when there is no provision for making provisional appointment while considering regular selection, the appointment of the applicant should be treated as regular appointment. But it is evident from the averments in the reply that though the 4th respondent tentatively selected the applicant for this post, he had not finalised it in view of the complaints received by the PMG which was forwarded to him. Thus, there is no basis for giving a direction to the respondents to regularise the appointment of the applicant as EDBPM of the village.

4. Hence, the direction that has to be given to the 4th respondent is to select from among the applicants who

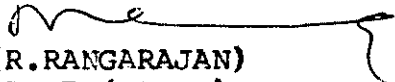
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applied for in pursuance of the 1st notification dated 2.2.1989.

5. In the result, the fresh notification issued by the 4th respondent as per the Memo No.B6/BPM/Gajarampalli, dated 23.10.1990 (vide Annexure II) is set-aside. The 4th respondent has to consider the applications which were received in pursuance of the notification dated 2.3.89 including that of the applicant for selection to EDBPM of Gajarampalli village, a/w Pammdi, Anantapur District.

6. The OA is ordered accordingly. No costs.


(R.RANGARAJAN)
MEMBER (ADMN.)



(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 21st December, 1993.
Open court dictation


Deputy Registrar (Judl.)

vsn

Copy to:-

1. The Secretary to Govt., Department of Posts, New Delhi
2. The Chief Postmaster General, Hyderabad.
3. The Postmaster General, Kurnool.
4. The Supdt., of Post Offices, Guntakal.
5. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. one copy to Sri A. Prabhakar Sarma SRI R.S CAT Hyderabad
8. One copy to Library, CAT, Hyd.
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O.A-926/90
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 21/12/1993

ORDER/JUDGMENT: _____

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

O.A.No.

in

926/90

~~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.

