

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
---

R.A. 83/94  
in  
O.A.740/91.

Dt. of Decision : 7-10-94.

S. Nageswara Rao

.. Applicant (R-4 in  
OA.740/91)

Vs

1. Smt. K. Padmayathi

.. Respondent/  
Applicant in OA.

2. Union of India rep. by  
the Secretary,  
Ministry of Communications,  
New Delhi - 110 001.

3. The Director of Postal Services,  
O/o the PMG, VZA Region,  
Vijayawada (Krishna Dist.).

4. The Sr. Supdt. of PDs,  
Prakasam Distt., Ongole,  
Prakasam Distt.

.. Respondents/  
Respondents  
1 to 3 in the OA.

Counsel for the Applicant : Mr. C. Suryanarayana

Counsel for the Respondents : Mr. N.V.Raghava Reddy, Addl. CGSC.  
(R-2, 3 & 4)

Mr. T. Jayaram (R-1)

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

35

R.A.83/94

in

O.A.740/91

Dt. of order:07.10.1994

ORDER

[As per Hon'ble Shri AB Gorthi, Member(Admn)]

This review application is from Respondent No.4 in OA 740/91, which was disposed of vide order dated 13.4.1994, by setting aside the selection proceedings by which, the review applicant was finally selected for the post of EDBPM Thakalapadu Branch Office, and directing the respondents to take further steps, if they so desire, to hold a fresh selection in accordance with the extant rules to fill up the said post of EDBPM on regular basis.

2. We have heard Shri C.Suryanarayana, learned counsel for the review applicant at considerable length.

3. The main grievance of the review applicant is, although notice of OA 740/91 was served upon him, a copy of the OA was not enclosed with the said notice. He, however, addressed a letter to the Tribunal on 29.8.1991, stating that, he was regularly appointed as EDBPM, Thakkalapadu after having been duly selected, and that, he was working as such, ever since.

4. Mr C. Suryanarayana further brought out, that the copy of the order in OA740/91 was also not sent to respondent No.4, *Reverin*.

5. The general contention advanced on behalf of the review applicant is that, he was subjected to a proper selection by the competent authority, that he was duly selected and he was regularly appointed and as such, he should not have been disturbed.

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi-001.
2. The Director of Postal Services, O/O the PMG VZA Region, Vijayawada(Krishna Dist.).
3. The Sr. Supdt of Post Offices, Prakasam Dist, Ongole, Prakasam District.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Sri. T.Jayant, advocate, for (R-1), CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

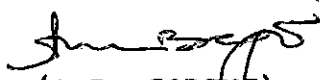
4 pages  
M 18/10/26

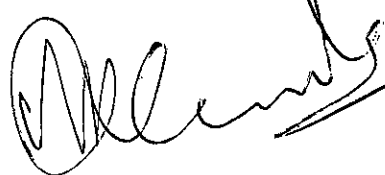
36

6. The reasons for which we held that the selection conducted by the official respondents was irregular, ~~was~~ <sup>was</sup> stated in detail in our order dated 13.4.1994 in OA 740/91. There is nothing in the review application which would lead us to take a different view, from what we had taken in the said order. The selection, having been found irregular, the official respondents were directed to hold a fresh selection if they so desired.

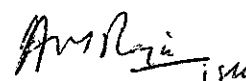
7. In compliance with our above order, steps have been initiated by the official respondents to select a proper candidate on regular basis for the post of EDBPM, Thakkalapadu. Mr C. Suryanaryana expresses the apprehension that the official respondents may terminate the ~~xxxxx~~ appointment of the review applicant even before the finalisation of the selection, proceedings. There should be no justification for such an apprehension; because, even if the continued appointment of the review applicant is considered to be on a provisional basis, <sup>his</sup> because of our order in OA740/91, ~~the~~ <sup>person</sup> services cannot be replaced by another / provisionally appointed. Notwithstanding the same, we would like to make a categorical observation that the applicant will make room for the regularly selected candidate on the completion of the selection proceedings which ~~has~~ <sup>have</sup> since been initiated by the official respondents.

8. With the aforesaid observations, this review application is rejected.

  
(A.B. GORTHI)  
Member(A)

  
(A.V. HARIDASAN)  
Member(J)

Dated: The 07th October, 1994  
Dictated in the open court

  
Dy. Registrar (Jud.)

mv1

3rd page  
mv

Contz... 41