

HC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA. 631/91

date of decision : 17-9-93

Between

1. S.Q. Shamshuddin
2. P. Venkateshu
3. P.V.L.N.V. Balasatyanarayyan
4. K. Girija Shanker Rao
5. N. Gopala Reddy
6. A. Kantha Rao
7. N. Rajasekhara Reddy
8. M. Narasimha Raju
9. B. Bhasker
10. O. Ravi Shanker
11. Y.S. Narsinga Rao
12. K. Sri Kumar
13. Ch. Shyam Babu
14. V. Venkateswarlu
15. M. Guruvaiyah
16. K. Venkat Rao
17. K. Sriramulu
18. Y. Laxminarasu
19. P. Ramanadham
20. O. Sri Ramulu Naik, and
21. R. Venkatramudu

: Applicants

and

1. Chief Post Master General
AP Circle, Hyderabad
2. Director General of Posts
Min. of Communications,
Postal Dte., Govt. of India
Dak Bhavan, Sansad Marg
New Delhi

: Respondents

Counsel for the applicants

: S. Ramakrishna Rao,
Advocate

Counsel for the respondents

: N.V. Ramana, Addl. SC
for Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri Ramakrishna Rao, learned counsel for the applicants and Sri N.V. Ramana, learned counsel for the respondents.

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2. All these 21 applicants were amongst 68 candidates who were selected to the post of Inspector of Post Offices (IPO) in regard to the vacancies which were estimated till the end of 31st December, 1989. The first 22 as per the merit list were given the order of appointment after the necessary training was over. These applicants had also undergone the training. Nineteen from serial No.23 as per the merit were given promotion on adhoc basis but it transpired ^{that} ~~who has~~ the adhoc promotee ~~has been~~ allotted to Kurnool range could not be accommodated for want of vacancies. It is stated that some of those who were allotted to Kurnool range were seniors to some of those who were allotted by way of adhoc appointment to regions other than Kurnool. ~~It is~~ also stated that all the IPOs who were given the appointment order as IPOs and appointed on adhoc basis, and allotted to regions other than Kurnool have joined the posts of IPO. Some of those applicants were making their representations requiring the concerned authority to appoint them even in leave vacancy that may arise in various regions.

3. This OA was filed praying for a direction to the respondents to absorb the applicants who have been selected on merit basis during the year 1989 w.e.f.31-12-1989 with all consequential benefits.

4. This OA was filed on 26-6-1991. ^{On} The counter dated 1-4-1992 it was stated that the applicants 2,4,5,7,8,9 & 11 were given regular appointments as IPOs and hence this application in regard to them had become infructuous. Even the learned counsel for the applicants now submitted that the remaining applicants were also given regular appointments as IPO. The applicants are claiming that their appointments as

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IPO should be given ~~0.e.f.31-12-1989~~ ^{as} though they were selected in the ~~vacancy~~ ^{as} which existed by 31-12-1989. It is stated for the respondents that as the abolition of some of the posts of IPOs ~~were~~ contemplated, and that all those who were selected as IPOs were not given orders of appointment and subsequently vide proceedings dated 4-4-1991 44 posts of IPOs were abolished, ^{and} vide proceedings dated 30-6-1991 five more posts of IPOs were abolished and the remaining in the list were appointed as IPOs as ~~and when~~ ^{had} the vacancies ~~arise~~ ^{arise}.

5. It is now well established that merely selection ^{confirms} does not ~~convey~~ any vested right to the post. It is open to the concerned authority to abolish a post for which selection was made, ^{the} ~~same~~ cannot be held as arbitrary for even a regular employee can be retrenched on abolition of a post. Thus, even though the selection of the applicants as IPOs ^{were} in regard to estimated vacancies up to 31-12-1989, still they cannot claim appointment from 31-12-89 for it is a case where the first 22 of the list were appointed in the ~~vacancy~~ ^{as} which existed, and the rest were not immediately appointed as the abolition of some of the posts were contemplated. Thus, there is no merit in regard to the claim of the applicants that ~~their~~ ^{their} appointments should be ~~0.e.f.31-12-1989~~.

6. During the course of arguments, learned counsel for the applicants submitted that as juniors to some of the applicants were ~~not~~ given adhoc appointments as IPOs even before some of those applicants who are seniors to the above ^{were appointed}, they are entitled to the stepping up. As no such relief is

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claimed and as the same cannot be claimed as part of the relief claimed in this OA, we do not feel it just to advert the same and we will leave it for consideration if an OA in regard to the same is going to be filed.

7. Subject to the above, the OA is dismissed. No costs.

P. J. L.

(P.T. Thiruvenkadam)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : September 17, 93
Dictated in the Open Court


Deputy Registrar (J)

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To

1. The Chief Postmaster General,
A.P.Circle, Hyderabad.
2. The Director General of Posts,
Min. of Communications, Postal
Directorate, Govt. of India,
Dak Bhavan, Sansad Marg, New Delhi.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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*4th Oct
Par 3/2/93*

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT 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(JUDL)

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 17-9-1993

ORDER/JUDGMENT:

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

in

O.A.No. 631/91

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.

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