

(23)

: IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

HYDERABAD BENCH : AT HYDERABAD

DA No. 778/91.

Dt. of Order: 14-7-93,

C.Rama Devi

vs.

....Applicant

1. The Superintendent of Post Offices,
Nandyal, Nandyal Mandal, Kurnool District.
2. The Post Master General, Kurnool,
Kurnool District.
3. C.Rajeswar Reddy,
Bogole, Ardhaveedu Mandal,
Prakasam District.

....Respondents

-- -- --

Counsel for the Applicant : Shri Aula Venkateswarlu

Counsel for the Respondents : Shri N.V.Ramana for RR 1 & 2
Shri C.Suryanarayana for R3.

-- -- --
CORAM:

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

THE HON'BLE SHRI P.T.THIRUVENGADAM : MEMBER (A)

(Order of the Divn. Bench passed by Hon'ble
Justice Shri V.N.Rao, VC)

-- -- --

The applicant was appointed as Extra Departmental Branch Post Master of Bogole Village when that post fell vacant as the then EDBPM went on leave in October, 1990. Notification dt.11-4-91 has been issued by the Respondent No.1 calling for the applications for the post of EDBPM Bogole Village, as the regular incumbent resigned. ^{Then} the applicant herein and Respondent No.3

....2.

and some others applied for the said post. But the application of the applicant was rejected on the ground that she had not produced the relevant certificates.

2. The applicant is praying for the following two reliefs :-

(i) to declare that the appointment of the Respondent No.3 to the post of EDBPM of Bogole Village is illegal, void and arbitrary;
and (ii) to direct the respondents to continue the applicant in the said post and to regularise her services in the said post.

3. It is not now in controversy that even till today no order was issued appointing Respondent No.3 to the said post. In the counter filed for Respondent No.1 it was stated that in view of some irregularities the selection was being reviewed, and the action ^{is} ~~under~~ ^{way} to do away with the selection. The learned counsel for the Respondent No.3 submits that the concerned ^{authority} ~~has~~ no power to review or to cancel the selection that was already made. As it is not open to this Tribunal to grant relief in favour of ~~thex~~ a respondent and as there is no order of appointment of Respondent No.3, it had to be dismissed in regard to the first relief on the ground that it is premature and hence there is no need to consider as to whether the concerned authority ^{has no power} ~~is barred~~ to review or cancel the selection which is already made and it is left open if and when it arises.

: 4 :

Copy to:-

1. The Superintendent of Post Offices, Nandyal, Nandyal Mandal, Kurnool District.
2. The Post Master General, Kurnool, Kurnool District.
3. One copy to Sri. Aula Venkateswarlu, advocate, 6-3-569/1/8, Somajiguda, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Sri. C.Suryanarayana, advocate, (R-3), CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

6/10/92
Rsm/- 22/92

- 3 -

4. There is no provision for regularisation of services in regard to the temporary appointment of EDBPM, ~~member~~ in a leave vacancy. Hence the applicant is not entitled to the said relief. It is not even the case of the applicant that she is going to be removed from the temporary post of EDBPM, Bogole Village before a regular incumbent is posted. Any how it had to be made clear that the applicant cannot be removed ~~until a regular incumbent is posted as EDBPM, Bogole Village except in accordance with rules.~~

5. In the result the O.A. in regard to the first relief i.e. in regard to declaration of appointment of Respondent No.3 as EDBPM ~~as~~ illegal, void and arbitrary ^{as} ~~arbitrary~~ is dismissed. This O.A. in regard to the second relief praying for regularisation of the temporary post is dismissed. Ofcourse as already observed the applicant cannot be removed except in accordance with rules ~~a regular~~ ~~incumbent is appointed.~~ The O.A. is ordered accordingly ~~in~~ ~~regard to first part of 2nd relief.~~ No order as to costs.

P. J. *[Signature]*
(P.T. THIRUVENGADAM)
Member (A)

[Signature]
(V. NEELADRI RAO)
Vice-Chairman

Dated: 14th July, 1993.
Dictated in Open Court.

av1/

[Signature]
Dy. Registrar

contd... 4/-

O.A. 77891

T
C
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

1 Copies

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. GORTY : MEMBER (AD)

AND

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

AND

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

Dated : 14/7/1993

ORDER/JUDGMENT:

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

in

O.A. No.

77891

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.

