

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.147 of 1992

DATE OF JUDGMENT: 4th March, 1992

Vesalapu Appa Rao.	..	Applicant
	Vs.	
The Superintendent of Post Offices, Vizianagaram Division, Vizianagaram.		Respondents
--: : --		

Counsel for the applicant: Mr. G.Prabhakara Rao  
Counsel for the respondent: Mr. N.V.Ramana, Addl. CGSC

Coram: Hon'ble Shri R.Balasubramanian, Member (Admn.)  
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

(Order of the Division Bench delivered by Hon'ble Shri T.C.Reddy,  
Member(Judl.)

We have heard Sri V.Rajeshwar Rao, Advocate representing Shri N.V.Ramana, learned Counsel for the respondents and Sri Mallikarjun, Advocate, representing Shri G.Prabhakar Rao, learned counsel for the applicant. This application is filed under Section 19 of the A.T.Act, 1985, by the applicant herein seeking quashing of the proceedings dated 10.1.1992 calling applications for filling up the post of Extra Departmental Branch Postmaster at Lakkidam BPO and to direct the respondents not to take any further proceedings on the basis of the proceedings <sup>dt.</sup> 10.1.1992 till the enquiry is instituted against the applicant and the same is concluded.

2. The facts giving rise to this OA in brief are as follows:-

The applicant was appointed as Branch ~~Postmaster~~ Post Master about three years back by the respondent. The

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19.08.92

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applicant was served with the proceedings dated 21.9.1991 by the respondent putting off the applicant from duty with immediate effect pending enquiry into allegations of his conduct. As the applicant ~~was~~ put off from duty as already pointed out, the respondent issued a notification dated 10.1.1992 calling for applications from the eligible candidates for selection to the post of Extra Departmental Branch Post Master at Lakkidam Branch Post Office. The said notification dated 10.1.1992 is questioned in this OA.

3. As the applicant was put off from duty, <sup>and</sup> there is a temporary vacancy of the post of Branch Post Master at Lakkidam Branch Post Office, it is completely left open to the respondent to fill up the said temporary vacancy in accordance with law. It will not be fair for this Tribunal to interfere with the filling up of the said post as it may effect the function of the Branch Post Office at Lakkidam Branch Post Office. So, in view of this position, we are of the opinion that this application is liable to be rejected.

4. <sup>We have</sup> Since ~~the Branch has~~ said that the Department ~~has~~ <sup>being</sup> a right to fill up the post in accordance with law, it is the duty of the Tribunal to protect the interests of the applicant by passing appropriate orders. ~~Since the~~

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interests of the applicant would be protected if a direction is given to the respondent that filling up the post of the said Branch Post Master at Lakhdam Branch Post Office will be subject to the outcome of the proceedings that are likely to be initiated against the applicant.

5. In the result, we reject this OA under the provisions of the Section 19(3) of the Administrative Tribunals Act, 1985. But we make it clear as already observed, that filling up of the said post of Branch Post Master at Lakhdam Branch Post Office will be subject to the final outcome of the departmental proceedings that might be initiated <sup>accordingly</sup> against the applicant. Suitable mention shall be made by the respondent in the appointment order while making appointment to the post of Branch Post Master, Lakhdam Branch Post Office. There is no order as to costs.

(Dictated in the open Court).

*R. Balasubramanian*  
(R. BALASUBRAMANIAN)  
Member (Admn.)

*T. Chandrasekhara Reddy*  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 4th March, 1992.

*525/3/92*  
Dy. Registrar (J).

- TO
- 1) The superintendent of post offices, Vizianagaram Division, Vizianagaram.
  - 2) one copy to Mr. G. Prabhakara Rao, Advocate
  - 3) one copy to Mr. N.V. Ramana, Addl. Com. SC. CAT, Hyd.  
avl/vsn
  - 4) one spare copy.

*copy to  
Dy. Registrar*

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY;  
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

DATED: 4 - 3 - 1992

ORDER/JUDGMENT:

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

in

O.A.No. 147/92

T.A.No.

(W.P.No. )

Admitted and interim directions  
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Defective Central Administrative Tribunal

M.A. Ordered/ Rejected

No order as to costs.

