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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.441/92.

Date of Judgement 28.10.92

Chaganti Surya Prākasa Sastri .. Applicant

Vs.

1. The Postmaster-General,  
Vijaywada, Krishna District.
2. The Sr. Supdt. of Pst Offices,  
Bhimavaram, W.G. District. .. Respondents

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Counsel for the Applicant :: Dr. C.S.Subba Rao

Counsel for the Respondents :: Shri N.R.Devarah, Sr. CGSC

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

[ Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) ]

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This application seeks to declare the impugned order of the Postmaster-General, Vijaywada No.ST/30/EDAs/Miss/91/ dt. 27.3.92 as arbitrary, illegal and unjust as the direction contained in the said order is against the traditional practice and conduct of the Postal Department. The application further seeks to quash the consequential order of the Sr. Supdt. of Post Offices, Bhimavaram, W.G. District No.B-10/81 dt. 9.4.92 as the said order is against the principles of natural justice and flowing from the arbitrary and illegal direction of the Postmaster-General, Vijaywada.

2. The applicant who was working as Village Karnam since 1956 took up the additional job of EDBPM, Yanamadurru in 1968. The functioning was smooth. The set-up of Karnam was abolished in 1984 and re-emerged in February, 1992 as Village Administrative Officers (V.A.Os for short). The Andhra Pradesh Government has no objection to V.A.Os functioning as Branch either. However, by a circular dt. 27.3.92, the P. Vijaywada ordered that one cannot be and V.A.O. and the applicant

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of the posts. Pursuant to this, the Sr. Supdt. of Post Offices, Bhimavaram asked the applicant to resign the post of E.D.B.P.M. failing which proceedings would be initiated under the Conduct Rules. It is contended that holding dual posts has not affected the duties of the E.D.B.P.M. By his letter dt. 23.5.92, the applicant conveyed his intention not to resign either post. Aggrieved with the threat <sup>facing</sup> ~~forcing~~ him (termination of service) the applicant has filed this O.A.

3. The respondents oppose the O.A. and have filed a counter. The thrust of their argument is that the post of V.A.O. carries far more onerous duties than those of the erstwhile Karnam and that the E.D.B.P.M. post will suffer badly if one is to do justice to the post of V.A.O. This is the reason to insist on any E.D.B.P.M. not to hold the post of V.A.O.

4. We have heard the rival sides and examined the case. The question is whether the respondents are right in objecting to an E.D.B.P.M. holding another post. Whether or not the Andhra Pradesh Government permits dual charge is not the concern of the respondents who have the right to safeguard their interests. The E.D. posts are only part-time posts which permit holding other posts. In fact, an E.D.B.P.M. is required to have an independent source of income/avocation. As such, there is nothing objectionable in principle in an E.D. official holding another post. For example, the method of recruitment to E.D. posts, permits school teachers being appointed to E.D. posts, so long as there is no clash in timings, and the interests of post office are not adversely affected. If it becomes evident that holding the post of V.A.O. interferes with the proper discharge of duties by the applicant as E.D.B.P.M., then they can <sup>ask him to give up one of the posts and then</sup> proceed against him <sup>if he still sticks on to both posts.</sup> for dereliction of duties. But they cannot proceed against

him simply because he holds both jobs. Nothing in the rules against this, was shown to us. The respondents have adequate scope under the present rules to protect their interests as and when affected. The impugned step is not warranted particularly when there is no rule against it like a provision in service rules for regular employees. We, therefore, quash the memo No.B-10/81 dt. 9.4.92 of the Sr. Supdt. of Post Offices, Bhimavaram and dispose of the O.A. with no order as to costs.

*R. Balasubramanian*

( R.Balasubramanian )  
Member(A).

*C. J. Roy*  
( C.J.Roy )  
Member(J).

*28*  
Dated: 28<sup>th</sup> October, 1992.

*4*  
Deputy Registrar(J)-  
17/11/92

To

1. The Postmaster General, vijayawada Krishna Dist.
2. The Senior Superintendent of Post Offices,  
Bhimavaram, W.G. Dist.
3. One copy to Mr.C.S.Subba Rao, Advocate  
12-13-67, Tarnaka, Hyderabad-17.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Deputy Registrar(J)CAT.Hyd.
6. Copy to All Reporters as per standard list of CAT.Hyd.
7. One spare copy.

pvm.

*Bylanp.  
17/11/92*

*(Typing)*  
TYPED BY 3

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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: 28-10-1992

ORDER/JUDGMENT:

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

in

O.A. No. 441/92

T.A. No.

(wp. No )

Admitted and interim directions  
issued.

Allowed

Disposed of with directions

Dismissed

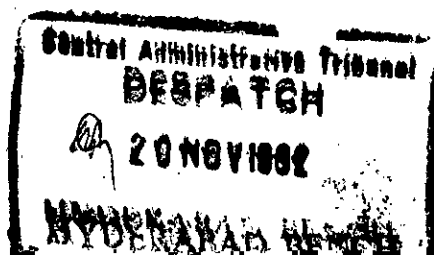
Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

pvm



G. S. Rao  
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