

(u)

IN THE CENTRAL ADM INISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.NO 66 OF 1992.

B E T W E E N :

Cherukuri Appa Rao
S/o.Cherukuri Chennaiah,
aged about 29 years, r/o.Timminenipalem,
Chintakani M andal, Khammam Dist., A.P.

..... APPLICANT.

A N D :

1. The Superintendent of Post Offices,
Khammam, Khammam Dist., A.P.
2. Koya Venkatanarayana, s/o not known
aged about 35 years, r/o, Timminenipalem,
Chintakani MandalmK Khammam District,
3. Madipalli Satyanarayana, s/o not known
retired Branch Post Master, Timminenipalem,
Chintakani MandalmK Khammam Dist.A.P.
4. Inspector of Post Offices,
Madira Sub-division,
Madira, Khammam Dist.AP.

..... RESPONDENTS.

DETAILS OF APPLICATION :

1. Particulars of the Applicant: Same as in cause-title.
ADDRESS FOR SERVICE : M/s.M.Surender Rao,
D.Ramesh and Ch.Ravi,
Advocates, 17-119, Kamala-
nagar, Dilshuknagar,
Hyderabad -AP.
2. Particulars of the Respondents: same as in cause-title.

3. Particulars of the order against which application is made:-

The application is against the Notification dated 29-8-1991 in Memo No.B 33/137 of the Respondents and not appointing the applicant as Branch Post Master, Timminenipalem, Chintakani Mandalam, Khammam Dist. *

Proceedings
in Pursuance of

4. Jurisdiction of the Tribunal :-

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal vide Section 16 of the Administrative Tribunals Act, 1985.

5. Limitation :-

The applicant further declares that the application is within limitation prescribed in S.21 of the Administrative Tribunals Act, 1985

6. Facts of the Case :

The applicant begs to submit as hereunder :-

1. The Applicant is the native of Timminenipalem, Chintakani Mandalam, Khammam District. He passed S.S.C in the year 1979. Applicant is the permanent Resident of Timminenipalem village. One Sri. Madipalli Satyanarayana was working as Branch Post Master at Timminenipalem, village of Chintakani Mandalam, Khammam District. As he was nearing the age of retirement, the 1st Respondent has sent a notification dated 26-7-1991 (Circular to the Post Office) and also in Gram Panchayat calling for the applications from the Candidates seeking appointment as Branch Post Master. The Gram Panchayat also notified the contents of the Circular of the 1st Respondent by beat of tom tom.

2. The applicant made an application. It appears that some other persons also made their applications.

3. In the notification last date for making application was given as 26-8-1991. Applicant sent his application by Registered Post on 22-8-1991 and it was received by the 1st Respondent on 23-8-1991. Applicant was waiting for the call letter for appointment as he satisfies all the conditions given in the notification.

4. One Sri.Gopala Rao, an official ~~xx~~ of the department came to the village on the retirement of the earlier Branch Post Master and has conducted a suitability survey and found the Applicant suitable for appointment as Branch Post Master. ~~He has~~ ^{Applicant was} handed over the charge of the Post Office ~~to~~ ^{to} ~~the applicant on 26-10-1991 and the applicant is continuing~~ ^{as such even now.}

5. In the second week of January, 1992 a rumour was spread in the village that applicant will be replaced by the 2nd Respondent. It was stated that 2nd Respondent would be appointed regularly. When applicant made enquiries he was informed that a second notification calling for applications was made on 29-8-1991 and that the 2nd Respondent and ~~others~~ have applied.

6. Applicant was further informed that an interview was held in the last week of December, 1991. No call letters for interview was sent to applicant. The second notification was not given any publicity by tom tom.

7. It appears 2nd Respondent has managed earlier Branch Post Master who kept the second notification a secret.

8. It is submitted that the application made by him in pursuance of notification dated 26-7-1991 was not rejected. No communication was given to the applicant and he was not

7

not considered for appointment. It is, therefore, submitted that the second notification dated 29-8-1991 in B 3-137 is illegal and arbitrary and all other proceedings taken up in pursuance of notification dated 29-8-1991. Therefore Memo No. B3-137 is illegal and void.

2. It's a ~~xxx~~ kind of place,

7. Details of remedies exhausted :-

The applicant declares that he has exhausted all the alternative remedies exhausted and is left with no other effect alternative except to approach this Hon'ble Tribunal by way of this O.A.

8. Matters not filed in pending with any other Court :-

The applicant further declares that he has not filed any writ, suit or application in the matter before any Court/authority nor that any such application, ~~writ~~ writ, Suit is pending before any such authority.

9. RELIEF(S) SOUGHT :

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to declare the applicant is entitled ^(at Government of India) to be appointed and continued as B ranch Post Master [^] and that the alleged 2nd notification dated 29-8-1991 and all other ~~pro~~ proceedings taken in pursuance of the against the above said notification dated 29-8-1991 in Memo No. B3-137 are illegal arbitrary and discriminatory and are therefore violative of Articles 14 and 16 of the Constitution of India.

10. ~~XXXX~~ INTERIM ORDER, IF ANY, PRAYED FOR :

It is further prayed that this Hon'ble Tribunal may be pleased to direct the Respondent No. 1 to continue the

(8)

-: 5 :-

the applicant as Branch Post Master pending disposal of the Original Application, and pass such other or further orders as this Hon'ble Tribunal may deem just and proper in the circumstances of the case or else the applicant would suffer irreparably.

11. ..

12. Particulars of IPO/DD-in r/o Application Fee :-

No & 03916633 dated 23-1-92 for Rs. 50/-

payable at : HYDERABAD.

✓ (Rs 50/-) A

I.P.O./B.G./D.O./Removed

13. List of Enclosures :-

1. Vakalat
2. IPO/DD mentioned above
3. Annexures as per Index
4. Covers.

VERIFICATION

I, C.Appa Rao, s/o.C.Chennaiah, aged about 29 years, r/o Timminenipalam, working as Branch Post Master, Timminenipalem, Chintakani Mandal, Khammam Dist, A.P. do hereby verify that the contents of paragraphs 1-13 of this O A are true to my knowledge and are believed to be true on legal advice and that I have not suppressed any material facts.

Hyderabad

27-1-1992.

M...
Counsel for Applicant.

సుఖుమి బాబు
Signature of Applicant.

To

The Registrar,

Central Administrative Tribunal.

Hyderabad Bench, Hyderabad-500 001