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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 710/92

Date of Order: 26.8.1992

BETWEEN:

P.Narasimha Reddy

.. Applicant.

A N D

1. Superintendent of Post Offices,
Mahaboobnagar Dist., Mahaboobnagar.

2. P.Bharat Kumar, Ghatt Village & Mandal,
Via Macherla, Mahaboobnagar.

.. Respondents.

Counsel for the Applicant

.. Mr. A.Rajasekhara Reddy

Counsel for the Respondents

.. Mr.N.R.Devraj.

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER(JUDL.)

(Order of the Single Member Bench delivered by

Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.)).

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to allow the applicant to continue as Branch Post Master, Ghatt Mandal, Mahaboobnagar Division w.e.f. 18.3.1992 after quashing the impugned order dated 18.3.1992 passed in Memo No.B2/PF/92/92.

The facts giving raise to this OA in brief are as follows:-

2. The 2nd respondent in this OA Sri Bharat Kumar was working on regular basis as E.D.B.P.M. Ghatt Mandal, Mahaboobnagar Division. The Second respondent (Bharat Kumar) was involved in a criminal case. Due to the pendency of the said criminal case the said Sri Bharat Kumar was put off ~~from~~ duty. So, a temporary vacancy arose for the post of E.D.B.P.M. Ghatt Mandal, Mahaboobnagar Division. On adhoc basis the applicant herein was appointed as E.D.B.P.M. of the said Ghatt Mandal as per the orders of the competent authority dated 15.4.1988. The Second respondent ultimately was acquitted in the said criminal case. The competent authority had passed the impugned order dated 18.3.1992 ~~revoking~~ the order of "put off ~~from~~ duty with immediate effect. As a consequence of the revocation of "put off ~~from~~ duty order, the second respondent had taken charge of the post of E.D.B.P.M. of the said village. So the present OA is filed by the applicant for the relief as already indicated above.

3. Today we have heard Mr. A. Rajasekhara Reddy, Advocate for the applicant and Mr. N. R. Devraj, Standing Counsel for the respondents are at the admission stage.

20/10/92

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Copy to:-

1. Superintendent of Post Offices, Mahaboobnagar Dist., Mahaboobnagar.
2. P.B. Bhara Kumar, Ghatt Village & Mandal, Via Macherla, Mahaboobnagar.
3. One copy to Sri. A.Rajasekhara Reddy, advocate, Advocates Associations, High Court, A.P., Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

*Referent
pay copy
37.*

Rsm/-

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4. The fact that due to the suspension of the said Sri Bharat Kumar who was working as E.D.B.P.M. , Shatt Mandal, Mahaboobnagar Division that a temporary vacancy arose and in that temporary vacancy that the applicant had been appointed on adhoc basis is not at all in dispute in this OA. As the applicant had been appointed on adhoc basis as E.D.B.P.M. as stopgap arrangement, the applicant does not have any vested right to continue in the post after the said Sri Bharat Kumar resumed his duty after the put off duty was revoked. The contention of the learned counsel appearing for the applicant is as the applicant has worked for nearly 4 years that it would not be fair to terminate his services. But as already pointed out it is purely on adhoc basis that the applicant had been employed by the competent authority. The fact that all the posts of E.D.B.P.M. are filled up ^{as per} by the recruitment rules is not in dispute. Admittedly the applicant had not been appointed on regular basis in a regular vacancy as per the recruitment rules. So his continuous working for a period of 4 years does not vest the applicant with any right to the said post and his services automatically stood terminated when the regular incumbent the second respondent herein assumed charge of the said E.D.B.P.M. post. In view of this position we do not have any hesitation to reject this OA summarily under the provisions of 19(3) of the Administrative Tribunals Act, as this is not a fit matter for adjudication, leaving the parties to bear their own costs.

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

Dated: 26th August, 1992
(Dictated in the Open Court)

5/9/92
Deputy Registrar

3rd B

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O.A. 710/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

RM
4/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 26/8/1992

ORDER / JUDGMENT

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

in

O.A. No.

710/92

T.A. No.

(W.P. 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.

