

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.745/92

Date of Order: 14.9.1992

BETWEEN :

K.V.S.N.Murthy

.. Applicant.

A N D

1. Superintendent of Post Offices,
Tadepalligudem,
West Godavari District.

2. Postmaster General,
Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr.P.V.R.Sharma

Counsel for the Respondents

.. Mr.V.Rajeswara Rao f
Mr.N.V.Ramana, Addl. CAs.

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 declare that the applicant is entitled to continue as Branch Post Master of Atlapadu Branch Office, West Godavari Dist., and direct the respondents to pay the Dearness Allowance payable to the applicant with all arrears, and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. During the course of the admission hearing we have heard today Mr.P.V.R.Sharma, Advocate for the applicant and Mr.V.Rajeswara Rao, for Mr.N.V.Ramana, Standing Counsel for the respondents.

3. Admittedly, the applicant is working as Head Master in ~~Government~~ Elementary School. Mr.P.V.R.Sharma during the course of hearing took us through the appointment order of the applicant with regard to the post of B.P.M. of Atlapadu Branch Office. The said appointment order is of the year 1969. The appointment order, reads that the applicant is appointed as B.P.M. Atlapadu Branch Office on provisional basis and to act as B.P.M. Atlapadu Branch Office. So it is quite evident from the said appointment order of the applicant that the applicant herein had been appointed only on provisional (adhoc) basis to the said post of B.P.M. Atlapadu Branch Office. As the applicant had been appointed on provisional basis it is always open for the respondents to fill up the said post on regular basis as per the recruitment rules. As the applicant has no right to the said post it is not open for him to seek the right of continuing in the said post. As a matter of fact the continuance of applicant from 1969 in the said post on Provisional (Adhoc) basis do not vest him with any right. It is now well settled when a person is appointed on adhoc basis

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and not in accordance with recruitment rules his continuance for any length of time on adhoc basis does not vest him with any right to the said post. The applicant is holding dual posts i.e. one post on regular basis as Head Master of Govt. Elementary School and the other post on adhoc basis as B.P.M. of Atlapadu Branch Office. As and when a regular person to the said post of B.P.M. Atlapadu is appointed as per the recruitment rules, the applicant has to give way to the regular appointee. We may also point out that it is always open to terminate services of the applicant at any time for valid reasons in accordance with rules and regulations even if there is delay in filling up the said post of B.P.M. Atlapadu Branch Office on regular basis. In any event the applicant is not entitled to any of the reliefs as prayed for by him. Hence this OA is liable to be rejected and accordingly rejected under the provisions of 19 (3) of Administrative Tribunals Act, leaving the parties to bear their own costs.

At request of Mr. P.V.R. Sharma, Counsel for the applicant furnish a copy of the order to the applicant before the end of this week.

T. Chandrasekhara Reddy

(T. CHANDRASEKHARA REDDY)
Member (Jüdl.)

Dated: 14th September, 1992

(Dictated in the Open Court)

*8/16/99
Deputy Registrar (S)*

TYPED BY

W COMPARED BY

CHECKED BY

APPROVED BY

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: 14-9-1992 ✓

ORDER / JUDGMENT

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

in

O.A. No. 745/92 ✓

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.

