

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. No.1268/93

Date of Decision : 21.11.1996

BETWEEN:

N. Kanakaiah

.. Applicant

AND

1. The Superintendent of Post Offices,
Karimnagar Division,
Karimnagar - 505 001.
2. The Sub-Divisional Inspector (Postal),
Karimnagar (South) Sub-Division,
Karimnagar
3. M. Venkata Reddy,
C/o Pandilla Cooperative Society,
Pandilla Village, Husnabad Mandal,
Karimnagar District.



Counsel for the Applicant: Sri C. Damodar Reddy

Counsel for the Respondents: Sri N.V. Ramana

CORAM:

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

= JUDGEMENT

(Oral order per Hon'ble Shri R. Rangarajan, Member (ADMN.))

None for the applicant. Shri Rajeswar Rao for
N.V. Ramana for the respondents.

The applicant was provisionally appointed as EDBPM to Kuchanapalli Branch Office with effect from 7.5.91. as the regular BPM of that post office was kept off duty as disciplinary proceedings initiated against him were pending. Subsequently disciplinary proceedings ended in his removal from service.

In view of that a notification Dt.11.3.93 was issued for appointing regular EDBPM, Kunchanapally Branch Office. In response to that Notification 10 applications were received including that of the applicant and respondent-3. Out of the applications received 5 were rejected and rest were considered and selection was made on merit as per instructions of DG Posts Dt.10.5.91. The applicant and R-3 were considered and both of them fulfilled all the conditions. However the applicant and R-3 were equally placed. Hence marks obtained by them in SSC was considered for selection of the meritorious candidate. The applicant had secured 245 marks out of 600 whereas R-3 had secured 267 out of 600 as seen from the selection proceedings. Hence R-3 was declared more meritorious and was posted as regular EDBPM in that post office.

This OA is filed challenging the proceedings No.B2-75/93 dated 29.9.1993 whereby R-3 was selected on regular basis by holding the same as illegal, arbitrary, misconceived and for consequential direction to set aside that order and continue the applicant and regularise his services as BPM, Kunchanpally post office.

The main contention of the applicant in OA is as he was working as provisional BPM in that branch post office he should have been continued. But there is no such rule to regularise the provisional hand and as the applicant could not come up in selection. He cannot claim to be posted as a regular EDBPM of the post office even though he served there as provisional postman.

The Second contention is that the R-3 was working as salesman on part-time basis in Primary Agricultural Society,

Pandilla because of which he is ineligible for the post of EDBPM. No rule or even instruction was produced or indicated in the affidavit to say there is a bar to appoint part-time workers as EDBPM. As a matter of fact the EDBPM are paid only a consolidated allowances and they are permitted to take up part-time job to augment their income. In view of above this contention also merits no consideration.

In view of what is stated above we find no merit in the O.A. Hence the O.A. is dismissed. No costs.

(The selection proceedings were perused and returned back)

सत्यमेव जयते
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पुस्तकालय - न्याय
COURT OFFICER
केन्द्रीय न्यायिक न्याय
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH