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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1436/93.

Dt. of Decision : 6.7.1994.

Mr. G. Trinadha Rao

.. Applicant.

Vs

1. The Chief Postmaster General,
Andhra Pradesh Circle,
Abids, Hyderabad-1.
2. The Postmaster General,
Visakhapatnam Region,
Visakhapatnam-530 003.
3. The Superintendent of Post Offices,
Rajahmundry Division,
Rajahmundry - A.P.
4. The Post Master,
Rajahmundry Post Office,
Rajahmundry,
East Godavari District.

.. Respondents.

Counsel for the Applicant : Mr. M.P. Chandra Mouli

Counsel for the Respondents: Mr. V. Bhimanna, Addl.CGSC.

CORAM:

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

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25/7/94
/a

(23)

O.A.No.1436/93.

Date of Decision: 6.7.1994.

O R D E R

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

The applicant is son of Sri G.Appa Rao who worked in Group 'D' service in RMS-V at Rajahmundry and retired on invalidation on medical grounds on 4.6.1986. At the time of his medical invalidation, Sri Appa Rao, the father of the applicant had put in 31 years 10 months of service. After his retirement due to medical invalidation, he submitted an application on 25.9.1986 for appointment of his son on compassionate grounds. The Circle Selection Committee considered the case of the applicant and recommended this case for appointment as Postman. Accordingly, he was appointed as Postman by Memo dt. 16.10.1993. Though the applicant initially reported to have said that he will dt. 5.10.1993 thereby withdrawing his willingness to join as Postman. He had represented for posting him only as Postal Assistant as he has passed P.U.C. and educationally and otherwise is eligible for appointing him to the post of Postal Assistant. But his request for posting him as Postal Assistant was not considered. Aggrieved by this, he has filed this OA for a declaration that the order No. ① of 16.10.1993 ^{one} ~~is~~ arbitrary, illegal and void, and for consequent direction to appoint him as Postal Assistant/ Sorting Assistant with effect from 16.10.1993 under relaxation of Recruitment Rules.

...3/-

2nd P.
Rao



2. The main contention of the applicant is that he has passed P.U.C. and is educationally qualified for posting as Postal Assistant. He further contends that there are enough vacancies to accommodate him as Postal Assistant as per page-8 of material papers. He also states that in the past compassionate appointees who are educationally qualified are appointed as Postal Assistants on compassionate grounds and his case has to be considered on the above lines.

3. The respondents submits that the Circle Selection Committee had recommended him only for the post of Postman and there are no vacancies available in the cadre of Postal Assistants. The applicant was already considered for the post of Postman and he has been appointed on the recommendation of the Circle Selection Committee. The learned counsel for the respondents further states that as per the Supreme Court Judgement reported in 1994 SCC (L&S) 500 [Auditor General of India & Ors. Vs G. Ananta Rajeshwar Rao] ~~that~~ the review of the appointment as Postal Assistants cannot be considered in view of the above quoted Supreme Court decision. However, the learned counsel for the applicant submits that this ruling is not applicable to him as he has already been appointed as Postman prior to the decision of the Supreme Court in the above cited case.

4. The applicant had submitted a representation to the Chief Post Master General dt. 21-10-93. But this representation has not been replied so far. All the contentions now pleaded for the applicant has been incorporated in his representation to the CPMG dt. 21-10-93. It is for the CPMG to consider his case on the basis of his representation,

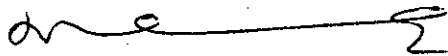
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and observation made by me as above and review the earlier order of posting as Postman, if he deems it fit and advise the applicant suitably uninfluenced by any of the averments made in the counter affidavit.

5. In the result, the following direction is given. The CPMG is to consider the representation of the applicant dt. 21-10-93 and pass orders thereon in accordance with the rules uninfluenced by any of the averments made in the counter affidavit. Time for compliance for the above order is three months from the date of receipt of the judgement. The OA is disposed of on the above terms. No costs.



(R. Rangarajan)
Member (A)

Dated July 6, 1994
Open Court Dictation

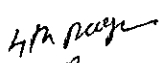

Deputy Registrar(J)

Copy to:-

kmv

1. The Chief Postmaster General, Andhra Pradesh Circle, Abids
2. The Postmaster General, Visakhapatnam Region, visakhapatnam
3. The Superintendent of Post Offices, Rajahmundry Division, Rajahmundry. A.P.
4. The Post Master, Rajahmundry Post Office, Rajahmundry, East Godavari District.
5. One copy to Sri. M.P.Chandra Mouli, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-


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① A-1436/94 ✓

TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. G. RTHI : MEMBER(A)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A) ✓

Dated: 6/7/1994. ✓

ORDER/JUDGMENT: ✓

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

O.A.No.

1436/93. ✓

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

