

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1546/93

Date of Order: 15.12.93

BETWEEN:

V.Ramakrishna Murthy

.. Applicant.

AND

1. Union of India, Rep. by
Post Master General,
A.P., Southern Region,
Kurnool.
2. Directors of Postal Services,
Office of the Post Master General,
A.P.Southern Region, Kurnool.
3. Supdt. of Post Offices,
Proddatur Division,
Proddatur - 516 361.
4. Asst. Supdt. of Post Offices,
Proddatur North Sub Division,
Proddatur - 516 361.
5. K.Venkata Ramana Reddy,
S/o. K.Venkata Reddy,
Branch Post Master
Arakatavemula,
Rajapalem Mandal,
Cuddapah Dist.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Rathaiah

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE Mr.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE Mr.R.RANGARAJAN : MEMBER (ADMN.)

15/12/93

DA.1546/93

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri P. Rathaiah, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. When a vacancy had arisen for the post of EDBPM in Arakatavemula, (A. Vemula for short) the applicant was provisionally appointed by order dated 19-7-1993 for the said post. Then applications were called for in regard to the said post and after selection, of R-5 herein, who also applied for the said post, was selected and posted as EDBPM, A. Vemula by terminating the provisional appointment of the applicant. When it is a case of termination of the services of the provisional appointee on posting a regular appointee, the termination of provisional appointee cannot be held as illegal. The very fact ^{that it is so} of the provisional appointment indicates that the said appointment is till a regular appointment is made.

3. But the learned counsel for the applicant vehemently urged that the applicant is better qualified than R-5 and hence he should not have been replaced by R-5. But when the applicant had not even applied for the post, the question of consideration ^{of} relative merit of the applicant and R-5 does not arise.

4. It is next contended for the applicant that his ^{SDA} also applied for the said post and when he was not called for interview ^{even when applicants} alongwith those who were less qualified were called for interview, he filed DA.1127/93 and ^{when} as an interim order ^{was passed} to the following effect :

✓ "Any appointment that was going to be made will

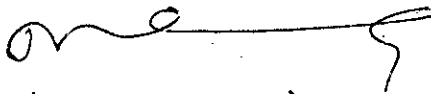
2-18/93

be subject to the result in this OA was passed. ^o

the appointment should not have been finalised." ~~the~~
Regular appointment should not have been made
 But the interim order in OA.1127/93 permits finalisation of
 selection and appointment, ^{and} ~~and~~ it is merely stated that
 any such appointment will be subject to the result in the
 OA.1127/93. Hence, it cannot be stated that on that ground
 appointment of R-5 is illegal. The merits in OA.1127/93
 cannot be considered in this OA.

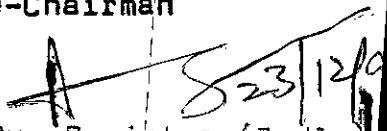
5. Hence, we do not find any reason to interfere with the
 order of termination of services of the applicant who was
 appointed provisionally as EDBPM in Arakatavemula, when R-5
 was regularly appointed.

Thus, the OA is dismissed at the admission stage.
 No costs.


 (R. Rangarajan)
 Member (Admn)


 (V. Neeladri Rao)
 Vice-Chairman

Dated : December 15, 93
 Dictated in the Open Court


 Dy. Registrar (Judl.)

sk

Copy to:-

1. Post Master General, A.P. Southern Region, Union of India, Kurnool.
2. Directors of Postal Services, O/O Post Master General, A Southern Region, Kurnool.
3. Supdt. of Post Offices, Proddatur division, Proddatur-36
4. Asst. Supdt of Post Offices, Proddatur North Sub Division Proddatur-361.
5. One copy to Sri. P.Rathaiah, advocate, 9-33/3, Lingala complex, Dilsukhnagar, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

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

AND

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

Dated: 15/12/-1993

ORDER/JUDGMENT: _____

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

O.A.No.

in

1546/93

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.

Central Administrative Tribunal
DESPATCH
1 JAN 1994
HYDERABAD BENCH.

8/23
7/20/93