

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A. NO. 166/93

DATE OF JUDGMENT: 15-6-95

BETWEEN:

Y. Srinivasa Rao : Applicant

and

1. Union of India rep. by
The Director General
Dept. of Posts
New Delhi 110001

2. Director
Postal Services
O/o Post Master General
Andhra Pradesh Southern Region
Kurnool 518005

3. Supdt. of Post Offices
Kurnool Division
Kurnool 516001

: Respondents

COUNSEL FOR THE APPLICANT: SHRI B.S.A. Satyanarayana, advocate

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj,
Sr/Addl.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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OA.166/93

Judgement

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

Heard Sri B.S.A. Satyanarayana, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant was regularly selected as EDBPM, Vempenta village of Atmakur Taluk, Kurnool district and he was appointed to the said post with effect from 2-5-1991.

3. R-2 issued memo No.ST-III/22/MNL/Vempenta dated January, 1993 (vide page 13 of the material papers) requiring the applicant to show-cause as to why his selection as EDBPM, Vempenta, shall not be nullified. The same is assailed in this OA, which was filed on 25-2-93. The said memo was suspended until further orders as per order dated 2-3-1993 in this OA.

4. The post of EDBPM, Vempenta, was sought to be filled by SC candidate. The applicant also is an SC candidate.

5. It is pleaded for the respondents that Sri M. Venkata Ramana, who is also an SC candidate, submitted representation dated 8-11-1991 to the Hon. Dy. Minister for Communications when he was at Kurnool on camp, and the same was endorsed to the PMG, Kurnool, for necessary action, and on the basis of the same the record was perused and it was noticed that Sri M. Venkata Ramana,

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To

1. The Director General,
Union of India, Dept. of Posts,
New Delhi-1.
2. The Director, Postal Services,
O/o Post Master General, A.P. Southern Region,
Kurnool-5.
3. The Superintendent of Post Offices,
Kurnool Division, Kurnool-1.
4. One copy to Mr. B. S. A. Satyanarayana, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. OGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy

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got marks more than the marks obtained by the applicant and hence the selection of the applicant was sought to be reviewed as per the impugned memo.

6. The Superintendent of Post Office is the appointing authority in regard to the post of EDBPM and it is the concerned Supdt. of Post Offices who selected the applicant and appointed him. After considering the scope of Rule 16 of EDA (Conduct & Service) Rules, Full Bench of CAT, Hyderabad, held in OA.777/93 (Sri V. Pallam Raju vs. Union of India & others) (unreported), that authority higher than the appointing authority has no power to review the selection or order of appointment in exercise of power under Rule 16 of EDA (C&S) Rules. It was further held therein that the higher authority even in exercise of administrative control has no power to quash the order of appointment issued by the lower competent authority. The remedy of the aggrieved party in such a case is to approach the Tribunal to challenge the selection/order of appointment. As such the impugned order ST-III/22/MNL/Vempenta dated January, 1993 issued by R-2 the Director of Postal Services in proposing to review the selection made by R-3 the Supdt. of Post Offices, Kurnool Division, has to be held as illegal and accordingly it is liable to be quashed.

7. In the result the impugned memo dated January, 93 is quashed. The OA is ordered accordingly. No costs.

(R. Rangarajan)
Member (Admn)

Wenin
(V. Neeladri Rao)
Vice Chairman

Dated : June 15, 95
Dictated in Open Court

Deputy Registrar (S) CC

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

THE HON'BLE MR.R.RANGARAJAN: (M(ADMN)

DATED 15/6 1995.

ORDER/JUDGMENT:

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

OA.No.

in

166 | 93

TA.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Separate copy

