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

Between:

M. Byragi Reddy son of Venkata  
Subba Reddy, aged 36 years,  
Resident of Zarugumalli, Tangutur,  
Prakasam District.

.. Applicant.

and

Union of India represented by:

1. The Post Master General, Vijayawada.
2. The Senior Superintendent of Post  
Offices, Prakasam Division, Ongole.
3. The Assistant Custd. Post Offices,  
South Sub Division, Ongole.
4. D. Gopal Reddy son of Achi Reddy  
B.P.M. Zarugumalli, Tanguturu,  
Prakasam District.

.. Respondents.

Address for service of notices: K.S.R. ANJANEYULU, B.A., LL.B.,  
Advocate, 1-1-365/A, Jawaharnagar,  
Bakaram, HYDERABAD 500 020.

DETAILS OF APPLICATION:

1. Particulars of the order against which this application is made:

This application is against Senior Superintendent of Post Offices, Prakasam Division, Ongole Letter No: B2/Zarugumalli, dated 10.3.1993 (Annexure 9 relating to termination of services of the applicant).

2. JURISIDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he wants redressal. He is within the jurisdiction of the Tribunal under Section 14(1) of the Administrative Tribunal Act as the applicant was working at Zarugumalli B.O. in Prakasam District at the time of termination of his services dated 20.2.1993 and also resident of that place.

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3. LIMITATION:

The applicant declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act. The date of impugned order is 10.3.1993 (Annexure 9).

4. FACTS OF THE CASE:

The applicant humbly submit that he is the native of Zarugumalli village. He passed Intermediate Examination and discontinued while studying B.Com. He is having a house centrally situated in the village. He is also having land to the extent of 10 Acres 15 Guntas in the village. He applied for the post of B.P.M. along with others. After considering all the application, the applicant was appointed as B.P.M. on 3.10.1991 (Annexure I) the same was attested by Assistant Superintendent of Post Offices. It is not stated that it was on provisional basis. The applicant has been continuing in the post continuously discharging his duties satisfactorily without any complaint. The applicant also fulfilled all the conditions essential for holding the post of B.P.M.

The Senior Superintendent of Post Offices, however issued another notification under No: B3/542 dated 12.11.1991 (Annexure 2) calling for applications for the same post. The applicant accordingly fulfilled the certificates. His name was also sponsored by the Employment Exchange. The applicant has fulfilled the conditions and he has been continuing the post w.e.f. 3.10.1991. The appointment was against regular post and not for any specific short period. It was not provisional. The Senior Superintendent of Post Offices, Ongole vide his letter No: B3/542/ dated 17.6.1992 (Annexure 3)

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asked the applicant to send documentary xproof for the property of 10 Acres 15 Cents held by him and also proof of ownership of Terrace in the house and half share in the total house and even ryot pass books in respect of the ownership of the landed property. The applicant vide his reply dated 6.7.1992 submitted pass book of the landed property, Tax Receipts, No Objection Certificate ~~xxxxxxx~~, Property Certificate and also affidavit of the father of the applicant. Copies of the Certificates by the M.R.O. are also filed.

The Senior Superintendent of Post Offices vide his letter B2/542 dated 7.1.1993 (Annexure 5) asked the applicant to reconcile the survey numbers shown in the pass book and also in M.R.O. Certificate.

The applicant ~~will~~ vide his reply dated 21.1.1993 (Annexure 6) clarify the points stating that the survey No.s are jointly held by him and his father and son are in his name. It is also clarified that all the survey numbers inclusive in the property certificate by M.R.O. in the name of the applicant and also included in the pass book and there is no disciplinary regarding the same. The M.R.O. issued the certificate in respect of the lands held by the applicant exclusively. The applicant has been contrary as B.P.M. w.e.f. 3.10.1991 continuously without any break and completed more than one year four months.

The A.S.P. on 20.2.1993 (Annexure 7) without any notice and without any order abruptly taken over charge from the applicant and handed over the same to another candidate Gopal Reddy. No reasons were forthcoming for any over of charge from the applicant after the period of one year four months. The applicant submitted a representation on 3.3.1993 (Annexure 8) explaining full facts of the case and also state

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that he produced all the certificates and clarifications required in the matter. The Income Certificate, Property Certificate and also Nativity Certificate issued by M.R.O. after verification and based on the records is legal, valid and cannot be disputed. The applicant also submitted in the representation that he was appointed on 3.10.1991 and there is no justification to terminate his services on 20.2.1992 without assigning any reasons and the action of A.S.P. is thus illegal and untenable. He also requested that he should be allowed to continue as B.P.M. Zarugumalli on the basis of his appointment w.e.f. 3.10.1991 by setting aside the action of Assistant Superintendent of Post Offices on 20.2.1993. The applicant also pointed out that the services even under Rule 6 can not be terminated without notices and without any reason.

The Superintendent of Post Offices vide his letter No: B2/Zarugumalli dated 10.3.1993 replied stating that the applicant was appointed under provisional basis and his services are therefore terminated when regular appointment is made. The applicant submit that the action of the Senior Superintendent of Post Offices is arbitrary, unreasonable and untenable and is liable to be set aside as illegal, the ~~applicant~~ appointment of respondent No: 4 is illegal.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

1. The applicant was appointed on 3.10.1991 (Annexure 1). It was not stated that it was provisional.
2. The applicant submitted all the particulars in pursuant (of Annexure 2) on 12.11.1991. The applicant further submitted documentary proof of landed property etc. called for on 17.6.1992 (Annexure 3). The applicaltn also clarified the points asked for on

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7.1.1993 (Annexure 5). The applicant fulfilled the conditions and also furnished all the particulars with full proof.

3. To state that the appointment of the applicant from ~~20.2.1991~~ 3.10.1991 is on provisional basis is arbitrary unreasonable and untenable.
4. The Senior Superintendent of Post Offices has not furnished any reasons in his letter dated 10.3.1993. The action in terminating the services of the applicant on 20.2.1993 (Annexure 1) is discriminatory and wholly unjustified. The action is unsustainable in law.
5. The action of the respondents 2 and 3 in terminating the services without notice and valid reasons is ex. facie illegal after one year of service.

6. Details of remedies exhausted:

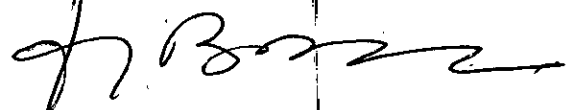
The applicant submitted his representation dated 3.3.1993 (Annexure 8) against the termination orders on 20.2.1993 (Annexure 7). The applicant was replied on 10.3.1993 (Annexure 9) which is being questioned in this application.

7. Matters not previously filed or pending with any other court:

The applicant declares that he has not filed any application is made before any court or any authority or any bench of the Tribunal or any such application is pending before any of them.

8. Relief sought:

In view of the facts mentioned in para 4 above the applicant herein humbly prays that this Honourable Tribunal



be pleased to call for the records resting with the case declaring the action of respondents 2 and 3 terminating the services of the applicant on 20.2.1993 without notice and valid reasons and arbitrary and also set aside the orders of the Senior Superintendent of Post Offices, Prakasam Dist. Ongole in his letter No: B2/~~A~~arugumalli/dated 10.3.1993 (Annexure 9) as arbitrary, discriminatory and untenable in law and set aside the same. The respondents 2 and 3 may be instructed to continue applicant as B.P.M. ~~A~~arugumalli and this Honourable Tribunal may be pleased to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

9. Interim relief prayed for:

An early date may be fixed for hearing.

10. Not applicable.

11. Particulars of the postal order:

- |                                |   |                  |
|--------------------------------|---|------------------|
| 1. Postal order No.            | : | 446637           |
| Date                           | : | 24-12-92         |
| 2. Postal order                | : |                  |
| 3. Name of issuing Post Office | : | Murharabul       |
| 4. Payable at                  | : | C.P.O. Hyderabad |

12. List of Enclosures:

Vakalat, Postal order and material papers as per index.

VERIFICATION

I, M. Byragi Reddy son of Venkata Subba Reddy, aged 36 years, resident of ~~A~~arugumalli, Prakasam District, do hereby verify that the contents of Paras 1 to 11 are

*[Signature]*