

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.785-OF-1994

DATE-OF-ORDER:-2nd-MAY,-1997

BETWEEN:

A.Venkateswarlu

.. APPLICANT

AND

Union of India represented by:

1. The Post Master General,
Hyderabad Region, Hyderabad 500001,
2. The Superintendent of Post Offices,
Suryapet Division,
Nalgonda District.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. D.SUBRAHMANYAM

COUNSEL FOR THE RESPONDENTS: Mr. V.BHIMANNA, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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

ORDER

ORAL ORDER -(PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.D.Subrahmanyam, learned counsel for the applicant and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. A notification was issued by R-4 for filling up the post of Extra Departmental Branch Post Master, Velichala Branch Office by notification No.PF/Velichala dated 4.1.1993 (Annexure-III to the OA). It is stated that the applicant and others applied for the same and the

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applicant was selected. It is further stated that he had taken over the charge as EDBPM, Velichala B.O. as per Annexure-IV, of the charge report. It is stated that in the mean time, the Superintendent of Post Offices (R-2) issued letter to the applicant to the effect that the Postmaster General, Hyderabad Region, Hyderabad had directed to renotify the vacancy of EDBPM, Velichala B.O. and hence the vacancy is being re-notified as can be seen from the letter No.PF/Velichala BO dated 8/13.6.94 (Annexure-I to the OA). It is further stated that accordingly the renotification Memo No.B2/PF/Velichala BO dated 13.6.94 was issued calling for applications fixing 13.7.94 as the last date for receipt of applications.

3. This OA is filed praying for setting aside the impugned Memo No.PF/Velichala BO dated 8/13.6.94 (Annexure I) as arbitrary, illegal and set-aside the same and quash the renotification issued by the Superintendent of the Post Offices in Memo No.B2/PF/Velichala BO, dated 13.6.94 (Annexure 2).

4. At the time of admission of the OA, an interim order was passed on 8.7.94. The interim order reads as

"Until further orders, no appointment should be made in pursuance of the impugned notification dated 13.6.94 vide Memo No.B-2/PF/Velichala issued by the Superintendent of Post Offices, Suryapet Division, Nalgonda District i.e, R-2"

[Handwritten signature] *[Handwritten mark]*

In view of the above interim direction, the applicant is continuing as EDBPM, Velichala BO even now.

5. No reply has been filed in this OA.

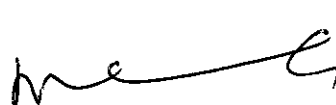
6. The Full Bench of this Tribunal had held in OA 57/91 that higher authority higher than the appointing authority cannot interfere with the selection of ED staff. If any of the candidates ^{are} ~~is~~ aggrieved by the selection, their remedy is to approach the Tribunal for redressal of their grievance. In this OA, the earlier selection whereby the applicant was appointed was said to ^{have been} ~~be~~ set-aside and a re-notification was issued for selection to the post in view of the ~~Full Bench~~ letter. R-1 has no powers to set-aside the appointment of the applicant. In view of that, the OA has to be allowed.

5. In view of what is stated above, the impugned order No.PF/Velichala BO dated 8/13.6.94 and the renotification No.B2/PF/Velichala BO dated 13.6.94 are set-aside and the applicant is allowed to continue ~~on that~~ ~~basis~~ on the basis of his selection. However, this setting aside will not stand in the way of the aggrieved candidates to approach this Tribunal in accordance with law.

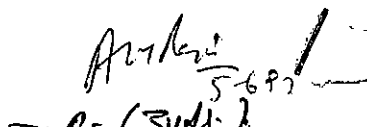
6. The OA is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

2/6/97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: -2nd-May, -1997
Dictated in the open court.


D.R. (Sudh)

1.4.3

Copy to:

1. The Postmaster General, Hyderabad Region, Hyderabad.
2. The Superintendent of Post Offices, Suryapet Division, Nalgonda District.
3. One copy to Mr.D.Subrahmanyam, Advocate,CAT,Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A),CAT,Hyderabad.
6. One duplicate copy.

YLKR

17/6/97
(6)

T. COURT

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TYPEL BY _____ CHECKED BY _____
COMPALED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE R. Ranga Rao J. Am.
~~MR. JUSTICE~~
and
THE HON'BLE B. S. Bai Permenen.
~~MR. RAJENDRA PRASAD M(A.)~~

Dated: 2/5 -1997

ORDER/JUDGMENT ✓

M.A./B.A./C.A.No.

C.A.No. 7854 ⁱⁿ

T.A.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. ✓

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
देखाना / DESPATCH
13 JUN 1997
हैदराबाद बेंच
HYDERABAD BENCH

C. Ranga Rao
wherein the signature of
M(A) - 3
✓