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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A. 922/94.

Dt. of Decision : 2-6-97.

K. Audi Seshamma

.. Applicant.

vs

1. The Sr. Supdt. of Post Offices,  
Nellore Division, Nellore.

2. The Postmaster General,  
Vijayawada Region, Vijayawada.

3. ~~x~~ P. Mashham.

.. Respondents.

Counsel for the applicant : Mr. S. Ramakrishna Rao

Counsel for the respondents : Mr. V. Bhimanna, Addl. CGS.

CORAM:

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

• THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents.

2. R-3 was called absent though notice was served <sup>on</sup> to him.
3. A notification was issued on 7-4-94 fixing 9-5-94 as the last date for receipt of applications for filling up the post of BPM, Penuballi BO a/w B.R.Puram.
4. This OA is filed challenging the selection of R-3 for the post of EBBPM, Penuballi and for a consequential direction to consider the applicant who ~~was~~ more meritorious for that post.
5. A reply has been filed in this OA. It is stated that R-3 was appointed only on provisional basis when the regular BPM was discharged from service. Fresh notification was issued on 9-8-94 fixing 1-9-94 as the last date of receipt of application. In response to the remonstration 4 applications were received including that of the applicant which <sup>was</sup> forwarded to SDI(P) on 15-9-94 for verification and the competent authority selected one Sri M.Nagaraju and BO was handed over to him on 26-10-94 afternoon terminating the provisional arrangement. The reply was handed over to the learned counsel for the applicant on 15-11-94.
6. The learned counsel for the applicant now submits that the second notification was issued after the admission of the present OA. Hence, he submits that the second notification should not have been issued.



7. The present OA is only to the extent of challenging the appointment of R-3. In the reply it is stated that R-3 was appointed only on provisional basis. There is no challenge to the second notification of the applicant. No challenge is of <sup>by</sup> <sup>After selection of</sup> Mr. M. Nagaraju who is reported to have been selected in response to the second notification. In the absence of any challenge as above, no relief can be given to the applicant in regard to the issue of the second notification and posting of Mr. M. Nagaraju.

8. The present challenge is only to the posting of Mr.P.Masthan (R-3 herein) as EDBPM, Penuballi BO a/w B.R.Puram. The respondents have already discharged him from service. Hence there is no need to further consider the question of posting of Mr.P.Masthan as Mr.P.Masthan himself is not in service now. Hence the OA has become infructuous.

9. In view of the above, the OA has to be dismissed as infructuous. Accordingly, it is dismissed. No costs.

(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)  
21 (69)

(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 2nd June 1997.  
(Dictated in the Open Court)

Mr. B. R. Ambedkar  
Dr. B. R. Ambedkar (J).

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)  
AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR: M  
(J)

DATED: 216/97

ORDER/JUDGEMENT

~~M.A./R.A/C.A. NO.~~

~~D.A. NO.~~

in  
922/94

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

~~No order as to costs.~~

YLKR

II Court.

केंद्रीय प्रशासनिक विधिक राज्य Central Administrative Tribunal देश/DESPATCH 23 JUN 1997 हैदराबाद न्यायालय HYDERABAD BENCH
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