

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 946/94.

Dt. of Decision : 3-10-94.

C. Kista Reddy .. Applicant.

Vs

The Supdt. of Post offices,
Karimnagar Division,
Karimnagar. .. Respondent.

Counsel for the Applicant : Mr. S. Rama Krishna Rao

Counsel for the Respondent : Mr. N.R.Devaraj, Sr.CGS^C.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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25/10/94
/s/

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O.A.No. 946/94:

Date of Order: 3.10.94

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

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This is an application filed under Section 19 of the Administrative Tribunals Act. The applicant G.Kista Reddy is challenging the order dt. 25.3.91 of the Superintendent of Post Offices, Karimnagar to the extent by which he is reverted from the post of Mail Overseer and posted as Post Man. He prays that the impugned order may be set aside. The claim of the applicant is that he had been regularly appointed as a Post Man by order dt. 10.8.92. He claims that in accordance with the rules with regard to promotion from Post Man to Mail Overseer he was fully eligible and qualified and that after having promoted him at, is not open for the respondents to revert him to a lower post.

2. Notice was issued to respondents before admission. The respondents have filed a detailed reply statement. In the reply the respondents contended that the applicant not being a TBOP Man with sufficient length of service he was not eligible for Mail Overseer and that it was only as an adhoc and temporary basis that applicant was promoted as Mail Overseer. It is ^{also} ~~was~~ contended that, questioning the reversion, the applicant had earlier filed OA.357/92 which was rejected by the Tribunal holding that, he was only an adhoc promotee and that therefore the application is not maintainable

3. We have heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.N.R. Devaraj, Sr. learned counsel for the respondents. We have also perused

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the pleadings and documents on record. An important fact to be noticed in this case is that the applicant had on almost identical allegation claiming to have been regularly promoted to the post of Mail Overseer filed in OA.357/92 questioning the notice of his reversion, and that the above application was dismissed by this Tribunal. A review application filed by the applicant was also dismissed wherein liberty was given to the applicant to challenge the order of reversion. In the judgement in OA.357/92 it was clearly held that the promotion of the applicant as Mail Overseer was only an adhoc one and that the department was at liberty to make a regular appointment to that post. It was also observed that the applicant who was holding the post on adhoc basis shall not be replaced by another adhoc appointee. The liberty given to the applicant to challenge the reversion while dismissing the Review Petition was given only in the limited sense that if he is reverted for the purpose of accomodating another adhoc appointee he would be at liberty to challenge the reversion. While the Tribunal had held in OA.357/92 that the promotion of the applicant made in the year 1992 was a purely adhoc and temporary one it can be tenable ^{only} ~~any~~ till a regular appointment is made. The applicant should not have filed this application again claiming that he was regularly promoted. This amounts to suppression of material facts.

4. On a careful consideration of the facts brought to our notice in the pleadings, as also in the judgement in the case decided earlier, we are of the considered view that the application does not deserve to be admitted, as there is no legitimate grievance of the applicant deserving adjudication.

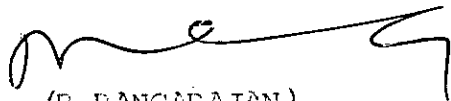
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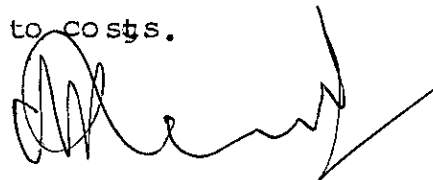
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5. In the result, the application ~~which~~ is rejected under Section 19 (3) of the Administrative Tribunals Act. There is no order as to costs.


(R. RANGARAJAN)
Member (Admn.)


(A.V. HARIDASAN)
Member (Judl.)

Dated: 3rd October, 1994

(Dictated in Open Court)

sd


Deputy Registrar (Judl.)

Copy to:-

1. The Supdt. of Post Offices, Karimnagar Division, Karimnagar.
2. One copy to Sri. S. Ramakrishna Rao, advocate, CAT, Hyd.
3. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

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Mr. 18/10/94.

2A-946/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.H.RIDASAN : MEMBER(J)

AND

R. Ranga Reddy
THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

Dated: 3/10/97 ✓

ORDER/JUDGMENT.

M.A./R.P/C.B/No.

D.A.NO.

T.A.NO.

in
946/97 ✓

(U.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

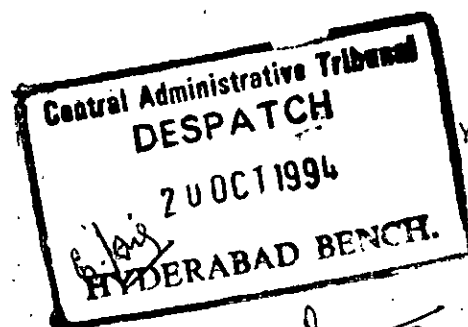
Disposed of with Directions.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs. ✓



YLKR

18/10/97