

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1206/94.

Dt. of Decision : 28-9-94.

S. Nageswara Rao

.. Applicant.

Vs

1. The Sub-Divisional Inspector,
Postal, Addanki-523 201,
Prakasam District.
2. The Sr. Superintendent of POs,
Prakasam Division, Ongole-523 001.
3. The Chief Postmaster General,
AP Circle, (representing Union
of India), Hyderabad-500 001. .. Respondents.

Counsel for the Applicant : Mr. C. Suryanarayana

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

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28.9.1994

OA.1206/93 94

Judgement

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

Heard Sri C. Suryanarayana, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. This OA was filed challenging the notification No.B2/K/Takkellapadu, dated 22-7-1994 issued by R-2 (vide annexure-A.2).

3. When a vacancy had arisen in regard to the post of EDBPM, Thakkellapadu, R-4 herein Smt. K. Padmavathi, was appointed as EDBPM, on provisional basis. Then a notification was issued in 1989 calling for applications for the said post. After selection memo No.83/K. Thakkellapadu dtd.13-9-1990 was issued informing the applicant herein that he was selected for this post on regular basis and hence the provisional appointment of Smt. K. Padmavathi was terminated. Then Smt. K. Padmavathi filed OA.740/91 praying for a direction to the respondents to appoint her to the said post after setting aside the selection of the applicant herein who was impleaded as R-4 in the said OA. The said OA was disposed by order dated 13-4-1994 and the relevant portion of the said order is as under :

"In view of what is stated above, we are of the considered view that the

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The entire selection proceedings deserve to be set-aside. We order accordingly. It is open to the respondents to take further steps in accordance with the extant rules to fill up the post of EDBPM, Thakkellapadu, on a regular basis. OA is ordered accordingly. No order as by H.T.O. regarding costs. OA 470 of 1989 is struck out. Consequent upon the same, the impugned notification dated 22.7.1994 is issued. OA 470 of 1989 is struck out.

4. The first and the foremost contention for the respondents is that as the impugned notification was issued in pursuance of the order of this Tribunal in OA 740/91 to which the applicant herein was also a party, the same cannot be challenged.

5. The learned counsel for the applicant herein submitted that as Smt. Padmavati had not pressed OA 470/89 on the grounds that it had become infructuous, it was not open to her to come up with OA 740/91. But it is seen from Para-8 ie., relief portion in OA 470/89 that in the said OA, Smt. Padmavati merely prayed for issual of a direction to the respondents to continue her in service as EDBPM, K. Thakkellapadu BO till regular appointment is made by declaring the impugned order No. PF/BPM/KT Padu, dated 8.6.1989, whereby she was sought to be removed from the provisional appointment of EDBPM of the said BO, as illegal and void. Thus, there was no challenge in regard to the notification No. 83/K. Thakkellapadu, dated 1.11.1989 issued calling for applications for the post of EDBPM, K. Thakkellapadu BO in 1989. Be that as it may, so long as the order dated 13.4.94 in OA 740/91 on the file of this Bench to which the applicant herein was party (R-4 in OA 740/91) stands, and when the impugned notification in this case was issued in pursuance of the order dated 13.4.1994 in OA 740/91, the same cannot be challenged.

contd....

(15)

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6. Accordingly, this OA does not merit consideration. Accordingly, it is dismissed at the admission stage. No costs.

7. It is submitted by the learned counsel for the applicant that this order of dismissal should not debar the applicant to file a review application in OA 740/91, if he is so advised. Ofcourse, if there are grounds for review of the order dated 13.4.1994 in OA 740/91, this order of dismissal does not preclude him to file it and if it is filed, it will naturally be considered in accordance with law.

(R.RANGARAJAN)
MEMBER (ADMN.)

V.NEELADRI RAO
VICE CHAIRMAN

DATED: 28th September, 1994.
Open court dictation.

3-1994
Dy. Registrar (JULD).

vsn

Copy to:-

1. The Sub-Divisional, Inspector, Postal, Addanki-523 201.
2. The Senior Superintendent of Post Offices, Prakasam Division, Ongole-523 001.
3. The Chief Postmaster General, A.P. Circle, Union of
4. One copy to Mr.C.Suryanarayana, Advocate CAT, Hyd.
5. One copy to Mr.N.R.Devaraj, Senior CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare.

kku.

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09.12.94

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

DAFEL: 28-9-94

~~ORDER/JUDGMENT~~

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

~~in~~
O.A. NO. 1206/94

~~(T.A. NO.)~~

~~(W.P. NO.)~~

~~Admitted and Interim directions
Issued.~~

~~NO SPARE COPY~~

~~Allowed.~~

~~Disposed of with directions.~~

~~Dismissed at the administrative stage.~~

~~Dismissed as withdrawn~~

~~Dismissed for Default.~~

~~Ordered/Rejected~~

~~No order as to costs.~~

pvm

