

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

S.A.No.1028/94.

Date: July 9, 1997.

Between:

Y.Surender.

.. .. Applicant.

And

1. Sub Divisional Inspector (Posts)  
Sangareddy.
2. Superintendent of Post Offices,  
Sangareddy Division, Sangareddy.
3. M. Ramesh. .. .. Respondents.

Counsel for the applicant: Sri S.Ramakrishna Rao.

Counsel for the Respondents: Sri V.Bhimanna.

CCRAM:

Hon'ble Sri H.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J).

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A)).

Heard Sri S.Ramakrishna Rao for the applicant  
and Sri V.Bhimanna for the respondents.

2. The concised facts of this case are as  
follows:

The applicant was appointed as EDDA Chintala Cheruvu  
EDSO on 1-10-1982. Consequent to down gradation of  
Chintalacheruvu EDSO into EDEO in September, 1985, the  
post of ~~ED~~ EDDA was abolished. Hence the applicant  
was discharged from service with effect from 25-9-1995.  
He was provided with an alternative appointment as  
EDMC, Patancheruvu, Phase-II, SO, with effect from 6-4-1986,

treating him as a retrenched ED staff. After working for three months in that post, it is stated that he had <sup>himself</sup> absented and did not report for duty till 1992. The post of EDMC, Patancheruvu Phase-II, <sup>so</sup> which post the applicant was occupying, <sup>for a short period</sup> was regularly filled in.

It is stated that the applicant never approached either the Sub Postmaster, Patancheruvu I.E. Phase-II or the SDI(P), Sangareddy, afterwards. The applicant was appointed provisionally as EDMC/DA Waddepally with effect from 1-6-1992 when that post became vacant.

A notification to fill up that post was issued on 23-8-1994 and the applicant also applied for that post. That post was filled up by a S.T. Official by name Sri Yedayya but that S.T. Official was also discharged from service as his antecedents were not found good.

That post was provisionally filled up by one Ramesh as EDMC/DA, Waddepally on 6-7-1994 ~~provisionally~~ but not regularly. It is stated that the applicant had not approached again for any provisional appointment..

3. The contention of the applicant in this O.A., is that he was appointed as EDMC/DA Pattancheruvu, Phase II, <sup>so</sup> on 6-4-1986 as a retrenched E.D. Staff.

He was sick from 1986 to 1992 and because of that he could not <sup>report</sup> ~~join back~~ for duty. When he joined back

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for duty he should have been treated as a retrenched ED staff and on that basis his posting as EDMC/DA Waddepally with effect from 1--6--1992 should be regularised.

4. This C.A., is filed praying for a direction to the respondents to take him back as EDMC/DA Waddepally treating him as a displaced EDNA.

5. The respondents in their reply submit that the applicant <sup>had</sup> ~~was~~ deserted his duties from 1986--1992 <sup>and</sup> that he came back for duty in the year, 1992, that he was Posted as EDMC/DA Waddepally on provisional basis as there was a post vacant at that time. They state that the provisional posting will not give him any status as a retrenched ED Staff. His provisional posting was made as he was immediately available for posting and hence, he cannot be regularised as EDMC/DA, Waddepally treating him as a retrenched ED Staff.

*It is an admitted fact that*

6. The applicant was absent from 1-4-1986 and he was appointed on 1--6--1992 provisionally as EDMC/DA Waddepally. Though, it is stated that the applicant was sick and hence he could not report back for duty, there is no evidence to prove that he was sick and he approached the authorities during that period for

granting him leave or keeping him as a retrenched ED staff on the list for posting him against that quota after he assumed duty . In the absence of any tangible proof to the above effect, it has to be held that the applicant was absented himself without any proper authorisation. Though the learned counsel for the respondents submit that as the applicant was absented from duty for more than 180 days and that absence renders him ineligible for maintaining him in the list of retrenched ED Staff, ~~But~~ no rule has been quoted by the counsel for respondents in this connection. It is also submitted that once he was posted EDMC, Pattancheruvu <sup>SO</sup> Phase-II and he joined that post, his name has been removed from the list of surplus ED staff. Hence, the applicant cannot claim for regular posting as EDMC/LA, Waddepally. That post at Waddepally was regularly filled after considering the case of the applicant also as he was also one of the candidates who applied for that post.

7. In view of the above, we are of the opinion that the respondents have not quoted the proper rule <sup>not</sup> for ~~not~~/treating him as retrenched EDMC/DA after he

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left the duties in 1986. But that will not give any relief to the applicant to give a direction to the respondents to treat him as retrenched ED staff. It is for the Department to decide his case in accordance with rules. Hence, the applicant may submit, if so advised a detailed representation to the post Master General, Hyderabad Region for considering him as a retrenched ED staff and on ~~that basis~~ receipt of such representation by the Post Master General, Hyderabad Division, he may dispose of the same in accordance with the rules.

8. The C.A., is disposed of as above.

No costs.

CERTIFIED TRUE COPY

*Richard Daw*

CHIEF CLERK  
OF THE OFFICE

IN THE COURT OF THE

APPELLATE TRIBUNAL

HYDERABAD

IN THE MATTER OF