

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD.  
O.A. 186 of 1994.

## BETWEEN:

Kum. G.Sailatha Devi

Applicant.

And

1. Director of Postal Services,  
Hyderabad City Region,  
Hyderabad & Two Others.

Respondents.

## COUNTER AFFIDAVIT FILED BY THE RESPONDENTS: 1 and 2

I N.S.V.Rama Krishna Sarma S/o. late Dr.Chandrasekhar Rao aged 57 years working as Assistant Postmaster General (S&V) resident of Hyderabad do hereby solemnly affirm and sincerely state as follows.

1. I submit that I am a responsible officer in the office of the Chief Postmaster General, A.P.Circle, Hyderabad and I am fully acquainted with the facts of the case. I am authorised to file this counter affidavit on behalf of the other respondents 1 and 2.

2. I have read the contents of the copy of the above original application. The various averments made in the O.A are denied save those that have been specifically admitted herein under. The applicant is put to strict proof of such averments that have not been traversed hereunder.

3. It is submitted that the contents of paragraphs 1 to 3 being formal and scriptive need not be replied.

4. In respect of the averments in para 4 (1) of the application it is stated that Smt. G.Sailatha Devi was appointed as ED BPM, Timmapur on provisional basis w.e.f.26-8-93 A/N consequent on removal of Shri G.Surender Reddy. As per our P&T letter No.43-4/77-Pen dated 18-5-79 the instructions envisage

Assistant Accountant Office (Budget)

मुख्य पोस्टमास्टर (दृष्ट)

Office of the Post Master General

दायतिय: मुख्य पोस्टमास्टर जनरल

A.P. Circle, Hyderabad-500 001.

मुख्य पोस्टमास्टर देशराज-500 001.

Asst. Post Master General (S. & V)  
D/o. Chief Postmaster Gen  
A.P. Circle, Hyderabad-500 001

that in cases when appointment is made to fill the vacancy caused by the removal of an ED Agent the removal ED Agent has not exhausted the channel of appeal the appointment should only be provisional in the case. On removal of the ED Agent only provisional appointment was made. The instructions do not bar taking advance action to call for applications and processing the same till appeal is disposed of.

5. As regards averments in para 4 (2) it is submitted that it is a fact that a notification was issued vide SSPOs SE Dn memo No.BI II/BPM/68, dated 3-1-94 for calling applications for the post of EDBPM, Thimmapur EO. It is also true that the regular BPM has filed an appeal on 4-10-93 to the Director of Postal Services which has been rejected by the Director of Postal Services vide memo No.ST/16-HD/20/93 dated 10-3-94.

6. It is submitted that the applicant might have got all qualifications to be selected for the post. ~~But she had not applied for the post of BPM.~~ Since she failed to apply to the said post. She has no claim whatsoever to the post. contrary to the rules the applicant wanted to continue in the post.

7. It is submitted that the grounds in para 5(1) of the application is not tenable. The department issued notification calling for applications for the post to avoid delay in finalisation of selection. Since the appeal of the removal ED Agent was rejected on 10-3-94. There is no bar to finalisation selection. However the applicant is neither a candidate who applied for the post nor a department employee to challenge the action of the department.

*See for*  
ATTESTED  
Assistant Accounts Officer (Budget)  
Sahayak Lekha Bhandari (विवर)  
Office of the Post Master General  
कार्यालय: मुख्य पोस्टमास्टर जनरल  
Hyderabad-500 001  
Date: 10.10.1994

*N*  
DEPONENT:  
Asst. Postmaster General (S. & V.)  
O/o. Chief Postmaster General  
A.P. Circle, Hyderabad-500 001,

8.

It is submitted that the applicant was appointed on provisional basis and has no right to claim regular absorption in the department of BPM Timmapur without applying for the post and without meeting the procedure laid down in respect of the appointments of various posts.

9. The averments in para 5(4) are not tenable.

As stated supra, the applicant did not apply for the post of ED BPM, Timmapur when a notification

please for consideration of her case.

10. It is submitted that the instruction to make regular appointment till the application as disposed does not help the applicant as she is not a candidate for selection. The applicant raised contrary grounds in the application. In ground no 3 she is pleading for the disposal of the appeal filed by Sri G. Sukender Reddy and in ground no 5 she is pleading not to dispose the same application which is quite contrary.

11. The averments in para No.6 are not correct.

It is not correct to say that the applicant availed all the remedies exhausted. The applicant is appointed on provisional basis and likely to be terminated, if another candidate is selected after following the prescribed procedure for selection of ED BPM.

12. In the circumstances stated above this Hon'ble Tribunal may be pleased to review its earlier interim order dated 17-2-1994 and vacate the same.

13. In the circumstances stated above the application filed by the applicant is devoid of merits and is liable to be dismissed.

Assistant Accounts Officer (Budget)  
मुख्य लेखांकनार्थी (बजेट)

Office of the Post Master General  
कार्यालय: मुख्य पोस्टमास्टर जनरल  
A.P. Circle, Hyderabad-500 001.  
मुख्य पोस्टमास्टर हैदराबाद-500 001.

DEPONENT:

Asst. Postmaster General (S. & V.)  
O/o. Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001.

## VERIFICATION

I N.S.V.Rama Krishna Sarma S/o.

I late Dr.Chandrasekha Rao do hereby declare that what is stated in paragraphs 1 to 12 above are true to the best of my personal knowledge and I have not suppressed any material facts.

Hyderabad, 13.7.24  
Assistant Accounts Officer (Budget)

DEPONENT

सहायक लेला अधिकारी (बजेट) Asst. Postmaster General (S. & V.)  
Office of the Post Master General O/o. Chief Postmaster General  
कार्यालय: मूल्य पोस्टमास्टर बनरल A.P. Circle, Hyderabad-500 001  
A.P. Circle, Hyderabad-500 001.  
अ.प्र. पुरिमंडळ हैदराबाद-500 001.

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COUNTER AFFIDAVIT

Received Copy  
M. Naveen  
Adv.

Filed ON:

Filed By:

k. Mahendar

may be filed  
on  
19/7/1994