

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.725/94

Date of Order: 30.1.95

BETWEEN:

Chilakala Palli Prasada Rao

.. Applicant.

A N D

1. The Union of India through Secretary to the Government of India, Ministry of Communications,
2. The Post Master General, Visakhapatnam Region, Visakhapatnam.
3. The Superintendent of Post Offices, Parvathipuram Division, Parvathi Puram, Vizianagaram Dist.
4. The Sub-Divisional Inspector (Posts), Bobbili Sub Division, Bobbili.
5. Simhachalam, Temporary EDBPM, Chilakalapalli, Balijipeta, Bobbili.

.. Respondents.

(2-5 is impleaded under order of the Tribunal
dt. 17.10.94 made in MA No 689/94)

Counsel for the Applicant

.. Mr. Brizmohan Singh

Counsel for the Respondents

.. Mr. N.V. Raghava Reddy

Mr. K.S.R. Anjaneyulu for
R5.

- - -

CORAM:

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

HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

- - -

O.A.No.725/94

Date of Order: 30.1.95

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

- - -

The applicant who was regularly appointed as EDBPM of Chilakalapalli vide order dated 10.9.93 issued by the Superintendent of Police, Chilakalapalli, without any justification and without any prior notice, directed to hand over charge to Respondent No.5, which he had to do. Hence the applicant has filed this OA with a request that he be reinstated as EDBPM, Chilakalapalli.

2. The post of EDBPM, Chilakalapalli fell vacant on the retirement of the father of the applicant on 15.8.93. For some time thereafter the applicant was asked to provisionally take charge of the said post. The department sent a requisition to the Employment Exchange to sponsor ~~the~~ suitable candidates but as the Employment Exchange could not ^{meet the} ~~make any~~ requirement, no notification. Initially there ^{was} ~~is~~ only one candidate, that is the applicant, who responded to the notification. A second notification was ^{therefore} issued in response to which 13 candidates submitted their applications. The department found that only 2 candidates fulfilled all the criteria, i.e. the applicant and Respondent No.5. The applicant was selected and he was issued a regular appointment order dt. 10.9.93. After he had taken over charge and performed duties, some complaints were made against the selection. There-upon the department without any notice to the applicant directed him to hand over charge to Respondent No.5.

3. The official respondents in their counter affidavit have stated that the appointment of the applicant though

said to be regular was infact provisionally because his antecedents had to be verified. In the meantime on the receipt of the complaint a review was conducted and it was found that the applicant secured more marks (258) than the marks obtained by the applicant (218). It was under these circumstances the department decided to cancel the appointment of the applicant and appointed Respondent No.5 on a regular basis.

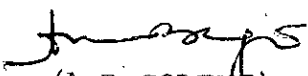
4. Reply affidavit has been filed on behalf of the Respondent No.5 also. The department tried to favour the applicant in the matter of his appointment. Initially the notification was issued in such a manner that only the applicant responded. However against the second notification, Respondent No.5 too submitted his ^{application} representation. He contended that he is better suited to the post as he ~~was~~ secured higher percentage of marks in SSLC and fulfilled all the other laid down criteria for selection to the post of EDBPM.

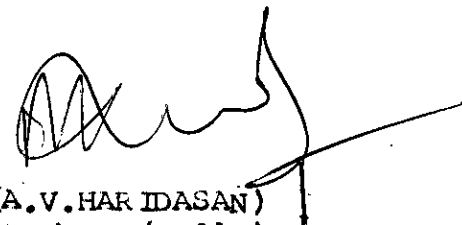
5. Heard learned counsel for both the parties. The main contention raised by Mr. Briz Mohan Singh, learned counsel for the applicant is that the applicant having ^{been} regularly appointed as EDBPM, the department had no right ^{or} justification to terminate ^{his} the service in the manner in which they did.

6. Admittedly the services of the applicant were terminated without any prior notice to him. This clearly is against the principles of natural justice. In view of this the order of the respondents directing the applicant to handover the charge to Respondent No.5 is liable to be set aside. ~~In view of this~~ ^{Hence, we} are not entering into ^{a discussion} discretion.

of the relation ^{Applicant} and Respondent No.5
in the matter of selection for the post of EDBPM.

7. In the result, the OA is allowed and ^{we} direct
the respondent ^{Applicant} in the post
of EDBPM within one month from the date of communication of
this order. It will be open to the respondents thereafter, ^{2 if they} before
^{no work,} which, to proceed with the ^{which idw.}
there shall be no order as to costs.


(A.B. GORTHI)
Member (Admn.)


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

Dated: 30th January 1967
(Dictated in Open Court)


Deputy Registrar (Judl.)

sd

1. Secretary to the Government of India, Ministry of Communi-
cations, Union of India, New Delhi.
2. The Post Master General, Visakhapatnam Region, Visakhapatnam
3. The Superintendent of Post Offices, Parvathipuram Division,
Parvathi puram, Vizianagaram District.
4. The Sub Divisional Inspector (Posts), Bobbili Sub Division,
Bobbili.
5. One copy to Sri. Brizmohan Singh, advocate, CAT, Hyd.
6. One copy to Sri. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
7. One copy to Sri. K.S.R. Anjaneyulu, advocate, for R-5, CAT, Hy
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

OA-725/94

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(C)

AND

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

DATED : 30/1/95

ORDER/JUDGEMENT.

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

O.A.No. 725/94

Admitted and Interim directions
Issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

NO SPARE COPY

Central Administrative Tribunal
DESPATCH
20 FEB 1995
HYDERABAD BENCH.

YLKR

(9)

✓
20