

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.640/95

DATE OF ORDER : 10-01-1997.

Between :-

K.Jaya Munendra

... Applicant

And

Union of India rep. by :

1. The Post Master General, Andhra Pradesh,
Southern Region, Kurnool.
2. The Superintendent of Post Offices,
Guntakal Division, Guntakal.
3. Asst.Superintendent of Post Offices,
Guntakal Sub Division, Guntakal.
4. B.Santa Murthy, Extra-departmental Mail
carrier/Delivery Agent, Chandana
B.D., Rayalacheruvu.

... Respondents

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Counsel for the Applicant : Shri T.V.V.S.Murthy

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

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

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

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... 2.

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

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On being sponsored by the Employment Exchange, Ananthapur, the applicant was selected and appointed as EDMC/DA, Chandrana Branch Post Office, Rayalacheru sub-office. Thereafter he was relieved of his duties on 10-4-95 to accommodate a surplus EDMC who is impleaded as Respondent No.4 in this O.A. and the applicant was asked to hand over charge to Respondent No.4 herein.

2. Being aggrieved by the above termination he filed this O.A. praying this Tribunal to call for the records relating to the case and to declare the action of the respondents 1 to 3 in taking over the charge of EDMC/DA without notice or any order as illegal and consequently for a direction to the respondents to restore him to the same post and to treat the period from 10-4-95 till the date of restoration as on duty for all purposes.

3. A reply has been filed in this O.A. We have gone through the reply. Some more clarifications ^{are} ~~are~~ required and also we would like to know the list of candidates already waiting for absorption in that unit; but that will take some more time to collect the information. But the learned counsel for the applicant submits that the applicant is without a job and hence delay in deciding the O.A. will cause hardship to him. Further he submits that there ~~are~~ ^{are} about 5 vacancies in Guntakal sub-division and hence he can be accommodated in any one of these vacancies as EDMC/DA. In view of the urgency expressed by the learned counsel for the applicant, we suggest to both sides

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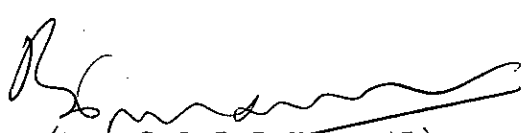
whether the applicant can be treated as a surplus ED Staff ^{on that basis may be} and ~~has to be~~ accommodated in accordance with the rules for ^{also added} accommodating the surplus ED Staff. We ~~Further~~ add that in view of the circumstances in this case a direction may also be given to consider him for posting as EDMC/DA commensurate with his qualifications in a near by ^{post office} ~~or~~ nearer to the place where he last worked giving preference over others waiting for ED ^{post} in the appropriate category except that of the surplus staff already registered. The learned counsel for the applicant submitted that he will be satisfied with the above direction. The learned standing counsel also submitted ~~that~~ under instructions from his client that he has no objection for the ^{issue of} ~~above~~ direction as suggested above.

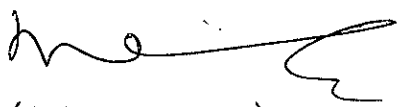
4. In view of the unanimity of the both the parties, we are disposing of this U.A. without going into the merits. In the result, the following direction is given :-

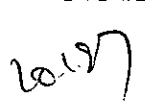
The applicant should be treated as a retrenched/surplus ED Staff and he should be accommodated in a ED Post commensurate with his qualifications ~~in~~ preferably in a nearby post office from where he was re-trenched giving preference over the other modes of appointment except that of posting of surplus staff already enlisted.

5. The Original Application is ordered accordingly.

No order as to costs.

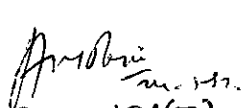

(B.S. JAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)


Dated: 10th January, 1997.

Dictated in Open Court.

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By Registrar (S)

: 4 :

Copy to:-

1. The Post Master General, Union of India, A.P.Southern Region, Kurnool.
2. The Superintendent of Post Offices, Guntakal Division, Guntakal.
3. Asst. Superintendent of Post Offices, Guntakal Sub Division, Guntakal Division, Guntakal.
4. One copy to Sri. T.V.V.S.Murthy, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

9/2/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 10/1/97

Order/Judgement
R.D/C.P/M.A.NO.

IN
O.A.NO.

64695

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बेकल/DEPUTY

31 JAN 1997

हैदराबाद बेंच
HYDERABAD BENCH