

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 691/95.

Dt. of Decision : 28-11-97.

Penugunuri Bala Kasaiah

.. Applicant.

Vs

1. The Sub-Divisional Inspector
(Postal), Giddalur Sub Division,
Giddalur-523 357.
2. The Supreintendent of Post Offices,
Nandyal Division, Nandyal-501.
3. The Postmaster General, A.P.
Southern Region, Kurnool-5.
4. The Chief Postmaster General,
A.P.Circle, Hyderabad-1.
5. The Union of India rep. by the
Secretary, Dept. of Posts,
Dak Bhavan, New Delhi-1.

.. Respondents.

Counsel for the applicant : Mr. T.V.V.SMurthy

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

CORAM:

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

1

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.T.V.V.S.Murthy, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this OA is the son of one Mr.P.Kasaiah, who worked as EDMC/DA, Pusalapadu Branch Office, Nandyal Division. The said Mr.P.Kasaiah worked for 34 years from 1-4-59 to 26-11-93 and died while in service on 27-11-1993, at the age of 56 years. The applicant submitted a representation for appointing him ~~against~~ on compassionate ground basis due to the demise of his father. The circle Selection Committee has gone into his case and rejected his case on the ground that the applicant is not placed in indigent circumstances to grant him the compassionate ground appointment as prayed for by him. Against that order the applicant had filed dt.31-5-96 representation/addressed to R-5. That representation is still pending to be disposed of. Though the applicant submit that some reply has been given to ~~xxx~~ some of the politicians such a reply cannot be taken note of and the only reply that is given to the applicant for his representation can be taken note of. As the applicant himself submits that no reply has been given to his representation dated 31-5-96, it has to be held that his representation is still pending for being disposed of. In the mean time the impugned notification No.PF/EDMC/DA/Pusalapad dt.2-6-95 (Annexure-14) was issued calling for application for filling up the post of EDMC/DA, Pusalapad Branch Office, Nandyal Postal Division. It is to be stated here that the applicant was posted as a provisional EDMC after the death of his father and he is continuing in that post till to-day.

3. This OA is filed for quashing the impugned notification No. PF/EDMC/DA/Pusalapad dt. 2-6-95 (Annexure-14) issued by R-1 for filling up the post of EDMC/DA, Pusalapad Branch office on regular basis and consequential direction to the respondents to continue the applicant in the said post and to consider the case of the applicant for appointment on the said post on regular basis for compassionate ground in relaxation of the recruitment rules.

4. An interim order was passed in this OA on 13-6-95. The interim order is reads as below:-

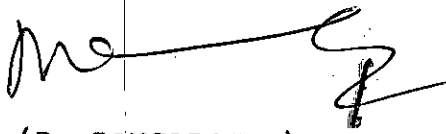
"Until further order, the application if any received or to be received in pursuance of the impugned order dated 2-6-95 should not be processed and the applicant has to be continued on provisional basis".

5. In view of the above interim direction, no further action has been taken on the impugned notification dt. 2-6-95 and the applicant is continued on a provisional basis till to-day submits by the ~~xxx~~ learned counsel for the respondents. It is further stated by the learned counsel for the respondents that his representation addressed to R-5 could not be disposed of in view of the pendency of the OA in this Bench.

6. After hearing both the sides, I am of the opinion that R-5 should dispose of his representation ^{dt. 31-5-96} in accordance with law after checking the various records in this connection and pass a speaking order in accordance with Rules. The applicant should ^{be continued} continue ^{for} that a period of 15 days after the issue of the order to his representation dated 31-5-96 ^{if necessary} before discharging him ^{from his present capacity} ^{provisional EDMC/DA if necessary}.

7. Time for compliance of the disposal of the representation is two months from the date of receipt of a copy of this order.

8. With the above direction the OA is disposed of. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

spr Dated : The 28th Nov. 1997.
(Dictated in the Open Court)

9/12/97 (9)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 28/11/97

ORDER/JUDGMENT

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

in
O.A.NO. 691/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of ~~with~~ Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

