

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT  
HYDERABAD.

C.A.NO. 843/95.

DATE OF JUDGMENT: 28-7-95.

BETWEEN:

R. Naga Subbaiah

.. Applicant.

AND

1. Union of India Rep. by  
its Secretary, Ministry  
of Communications, Dept.  
of Posts, New Delhi-1.
2. Director of Postal Services,  
O/o the PMG, A.P. Southern Region,  
Kurnool-516 005.
3. Superintendent of Post Offices,  
Cuddapah Postal Division,  
Cuddapah-516 001.
4. S.V. Raja Reddy

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI B.S.A. Satyanarayana

COUNSEL FOR THE RESPONDENTS: SHRI K. Ramuloo,  
S/o/Addl. CGSC.

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

0.A.NO.843/95.

JUDGMENT

Dt: 28.7.1995.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri BSA Satyanarayana, learned counsel for the applicant and Shri K.Ramuloo, learned standing counsel for the respondents.

2. After due selection, R-3, the Superintendent of Post Offices, Cuddapah appointed the applicant as EDBPM, P.Kothapalle Village, Sidhavatam Mandal, by the order dated 2.8.1994. The applicant who was working as EDBPM, P.Kothapalle on provisional basis from 2.10.1993 had become regular EDBPM from 2.8.1994.
3. R-2, the Director of Postal Services, Kurnool issued show cause notice No.ST-III/22-CDP/P.Kothapalle, dated 7.3.1995 to the applicant requiring him to explain as to why his appointment cannot be set-aside, for the other candidates got more marks than the marks secured by him. After considering the representation dated 27.3.1995 of the applicant, the impugned Memo No.ST/III/22-CDP/P.Kothapalle, dated 27.6.1995 was issued by setting aside the order of the appointment of the applicant as EDBPM, P.Kothapalle. It is assailed in this OA.
4. The Full Bench held in OA 57/91 on the file of this Bench that higher administrative authority has no power to revise the order of appointment passed by the

contd....

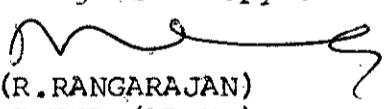
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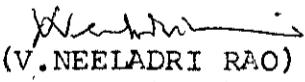
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competent authority. For the reasons stated therein the impugned order herein is liable to be set-aside.

5. The remedy of the aggrieved, i.e., the other candidates is only to challenge it before the Tribunal, if they feel that there is any irregularity in the appointment.

6. In the result, this OA is allowed at the admission stage, subject to the right of the other candidates to challenge <sup>applicant's</sup> ~~his~~ appointment as EDBPM, P.Kothapalle before this Tribunal on the basis of an application under Section 19 of the Administrative Tribunals Act. If such an application is going to be filed, it will be considered on merits. The impugned Memo No. ST/III/22-CDP/P.Kothapalle, dated 27.6.1995 is set-aside. The applicant has to be permitted to assume duty as and when he reports to R-3 along with copy of this order. No costs.//

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 28th July, 1995.  
Open court dictation.

  
Deputy Registrar (J) CO

To vsn

1. The Secretary, Ministry of Communications, Dept. of Posts, Union of India, New Delhi-1.
2. The Director of Postal Services, O/o the PMG, A.P. Southern Region, Kurnool-5.
3. The Superintendent of Post Offices, Cuddapah Postal Division, Cuddapah-1.
4. One copy to Mr. B. S. A. Satyanarayana, Advocate, CAT. Hyd.
5. One copy to Mr. K. Ramuloo, Addl. CGSC. CAT. Hyd.
6. One copy to Mr. S. V. Raja Reddy, E& BPM P. Kothapalle Branch Post Office, Sidhavatam Sub Post Office, Cuddapah Division. 516237.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

With 6 copies

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE CHAIRMAN

A N D

THE HON'BLE MR.R.RANGARAJAN: (M(ADMN)

DATED -28-7- 1995.

ORDER/JUDGMENT:

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

in  
OA. No. 843/95.

TA. No. (W.P.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to co