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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

O.A.No.942 OF 1995.

Date of Order:30-3-1998.

Between:

Chilakalapalli Prasada Rao.

.. Applicant

and

1. The Union of India through
Secretary to the Government
of India, Ministry of Communications,
New Delhi.
2. The Post Master General,Visakhapatnam
Region,Visakhapatnam.
3. The Superintendent of Post Offices,
Parvathipuram Division,Parvathipuram,
Vizianagaram District-532 501.

..Respondents

COUNSEL FOR THE APPLICANT :: Mr.R.Briz Mohan Singh

COUNSEL FOR THERESPONDENTS :: Mr.N.V.Raghava Reddy

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER(PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Mr.R.Briz Mohan Singh for the Applicant
and Mr.N.V.Raghava Reddy for the Respondents.

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2. The applicant was formally appointed as a provisional EDBPM, Chilakalapalli which fell vacant on the retirement of his father dated:15-8-1993. The department ^{placed} requested a requisition ^{to} the Employment Exchange to sponsor suitable candidates. However, ^{as} the Employment Exchange could not meet the requirements, they issued an open notification. On the basis of the ^{of} applications received, only two candidates fulfilled all the criteria, ie., the applicant and one Sri Ch.Simhachalam.

3. The applicant was selected and he was issued regular appointment order on 10-9-1993. While the matter ~~was~~ stood thus the applicant was discharged from service on the allegation that the applicant is not a meritorious candidate. Hence he filed O.A.No.725 of 1994 on the file of this Bench which was decided on 30-1-1995. The operative portion of the Judgment read as follows:-

"In the result, the OA is allowed to direct the respondents 1-4 to reinstate the 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, if they so wish, to proceed with the applicant in accordance with law. There shall be no order as to costs."

4. As per this Judgment in this connection it is open to the respondents, if they so wish, to proceed with the proceedings in accordance with law.

5. It is stated that the applicant was reinstated on 19-3-1995. Thereafter a notice was issued to him on 6-7-1995 for terminating his services with effect from

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the expiry of One month from the date of receipt of that notice. The applicant filed this O.A. on 7-8-1995 challenging the notice dated:6-7-1995(Annexure.12, Page29 to the OA) praying for setting aside that notice and continue him as a regularly posted EDBPM of that Post Office.

6. An Interim Order was passed in this O.A. on 9-8-1995. The impugned notice for termination was kept under suspension by the Interim Order in view of ^{the judgement of the} Full Bench of the Central Administrative Tribunal in O.A.No.57 of 1991 ^{on the file of this bench.}

7. When the O.A. was taken up for hearing today, the learned Counsel for the respondents submitted that the impugned order was suspended by this Tribunal in view of the direction given in O.A.No.57 of 1991 on the file of this Bench. On the basis of that direction even the appointing authority or the authorities above the appointing authority has no power to review the posting of EDBPM once the selection is over. The review of the posting of the applicant as EDBPM,Chilakalapalli was done in view of the review taken by R-2 who is the higher authority than the appointing authority. Hence the O.A. is liable only to be allowed. But he submitted that the aggrieved person is at liberty to approach this Tribunal for redressal of his greivances if that party is aggrieved by the posting of the applicant as a regular EDBPM,Chilakalapalli.

8. In view of the above submissions, the O.A. is allowed. The impugned termination notice dated:6-7-1995 is set aside.

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Copy to:-

1. The Secretary to Government of India, Ministry of Communications, New Delhi.
2. The Post Master General, Visakhapatnam Region, Visakhapatnam.
3. The Superintendent of Post Offices, Parvathipuram Division, Parvathipuram, Vizianagaram Dist.
4. One copy to Mr. R.Brizz Mohan Singh, Advocate, CAT., Hyd.
5. One copy to Mr. N.V.Raghava Reddy, Addl.CSGS., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

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15/4/98
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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN 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: 30/3/98

ORDER/JUDGMENT

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

in

O.A.NO.

942/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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