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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1025 of 1995.

Date of decision: 7th January, 1998.

Between:

R. Kishore Kumar. .. Applicant.

And

1. The Superintendent of Post Offices,
Wanaparthy Division, Wanaparthy.

2. Nazeeruddin. .. Respondents.

Counsel for the applicant: Sri S. Ramakrishna Rao.

Counsel for the respondents: Sri N R. Devaraj for Official
Respondent.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri B.S. Jai Parameshwar, Member (J))

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Heard Sri S. Ramakrishna Rao, the learned counsel
for the Applicant and Sri N.R. Deva Raj, the learned standing
Counsel for the respondent No.1. Though Notice was
served on the 2nd respondent, he remained absent.

The applicant herein was appointed as Branch
Post Master, Malachintlapalli from 10-6-1992 as the

regular incumbent was involved in a case and was

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put off from duty.

On 23-2-1994 a Notification was issued to fill up the said post by a regular candidate. In response to the said Notification, eight applications were received. It is stated that no action was taken on those eight applications. But, however, a 2nd Notification dated 13-6-1995(Annexure II - P10 to the O.A.) was issued to fill up the said post. The applicant had also submitted his application in response to the 2nd notification dated 13-6-1995 without challenging the 2nd notification dated 13-6-1995 and when the earlier notification dated 23-2-1994 had not been cancelled.

Pursuant to the Notification dated 13-6-1995, selection process was completed by selecting the Respondent No.2 as a regular candidate.

Being aggrieved, the applicant has filed this O.A., challenging the selection and the appointment of the 2nd respondent as EDBPM. On 28-8-1995 an interim order was passed to maintain statusquo as on that date. It is submitted that ^{before} ~~by~~ the interim orders were passed, the 2nd respondent was put in-charge of the office. Hence he is being continued.

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The Respondent No.1 has filed counter-explain-
ing the circumstances under which the 2nd notification
dated 13-6-1995 was issued. It is further stated,
that the 2nd respondent was meritorious candidate and
therefore, he was selected. Thus the selection of
the 2nd respondent was in order.

The main contention of the applicant is regarding
the issue of the 2nd Notification dated 13-6-1995.
Since, he has not challenged it at the appropriate time and
since he also submitted his application in response
to the second notification, we feel that, at this juncture,
that the applicant cannot challenge the issue of the
2nd notification dated 13-6-1995.

However, the applicant submits that he had
service as
put in EDBPM for more than three years on provisional
and that
basis, he should be regularised as EDBPM of that
village in pursuance of the DGP&T letter No.43-4/72Pen.
dated 18-5-1979, para 2, which reads as under:

"Efforts should be made to give alternative
employment to the Extra Departmental Agents,
who are appointed provisionally and subsequently
discharged from service due to administrative
grounds at the time of discharge they had put
in not less than 3 years of service. *In such*

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In such cases, their names should be included in the waiting list of Extra Departmental Agents discharged from service as prescribed in D.G.Posts letter No. 43-4/72/pen dated 23-2-1979".

In view of the letter referred to above, it is essential that the applicant even though ~~he~~ he has been discharged as having not been selected as per the Notification dated 13-6-1995, his name should have been entered in the Register kept for providing alternative employment to the EDBPMS who ~~are~~ ^{were} appointed provisionally and subsequently discharged due to administrative grounds provided at the time of discharge they had put in not less than three years of service. Since the applicant had put in more than three years service as ^{as} ~~as~~ provisional EDBPM his name should have been considered for alternate ^{as} ~~as~~ appointment the post of ^{as} ~~as~~ ^{now} ~~now~~ against EDBPM wherever it arises. As this was not done so, it is ^{now} ~~as~~ for us to give a direction to the Respondent No.1 to consider him for alternative appointment treating him as ~~he is~~ a discharged EDBPM having put in more than three years of service as EDBPM.

J/2

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In the result the following direction is given.**

The applicant should be provided with alternative employment in accordance with the letter of DGP&T No.43-4/72-Pen dated 18-5-1972, para 2, which has already been extracted above. He should be given posting ~~in the next vacancy~~ in his turn, expeditiously.

With the above direction, the O.A., is disposed of. No costs.

B.S.JAI PARAMESHWAR,
B.S.JAI PARAMESHWAR,
MEMBER (J)
7.1.98

R.RANGARAJAN,
R.RANGARAJAN,
MEMBER (A)

Date: 7th January, 1998.

Dictated in open Court.

SSS,

Ambari
10-1998
D.R.

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Copy to:

1. The Superintendent of Post Offices, Wanaparthy Division, Wanaparthy.
2. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
3. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, SR. CGSC, CAT, Hyderabad.
5. One copy to HBSJP, M(J), CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED: 7/1/98

ORDER/JUDGMENT

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

in

S.A.N.C. 1025/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

