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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 268/95.

Date of decision: August 27, 1997.

Between:

K.S.R. Srinivasa Rao.

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Applicant.

and

1. The Asst. Superintendent of POs.,
Kothapeta - 533 223.
2. The Superintendent of Post Offices,
Amalapuram - 533 201.
3. The Chief Post Master General,
A.P. (representing Union of India),
Hyderabad - 500 001.
4. Anasuri Pallayya, Gollalamamidada,
K. Pedapudi Mandalam, E.G.Dt.

Respondents.

Counsel for the applicant: Sri C. Suryanarayana.

Counsel for the respondents: Sri V. Rajeswara Rao.

CORAM:

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

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

JUDGMENT.

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

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Heard Sri C. Suryanarayana for the applicant and
Sri V. Rajeswara Rao for the respondents.

This O.A., is posted today along with M.A.763/97.

The M.A.763/97 in this O.A., was disposed of on 21-8-1997.

In that we observed that this O.A., is to be disposed of
quickly as the termination order of the applicant had been

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withdrawn. We have also directed the Registry to list this O.A., for final hearing on 25--8--1997 i.e., day before yesterday. However the O.A., has come up for final hearing today. Accordingly we have heard the O.A., and disposed of the same.

The applicant is a provision^{al} EDBPM of K.J.Puram BO, a/w Vilasa.* His services were terminated in pursuance of Rule 6(a)&(b) of P & T Extra Departmental Agents (Conduct and Service) Rules, 1964 by the impugned Memorandum No. B-25/59 dated 15--2--1995 by the 2nd respondent (Annexure A-5 Page 14 of the O.A.)

This O.A., is filed challenging the impugned Order No. B-25/59 dated 15--2--1995 as arbitrary, ~~and~~ illegal and violative of Art. 14 of the Constitution of India and for a consequential relief to reinstate the applicant back into service suspending the operation of the impugned Order dated 15--2--1995.

The M.A.763/97 was filed in this O.A., praying for vacation of the interim order dated 14--3--1995. Along with ~~in~~ that M.A., the cancellation of the impugned order by letter No. B25/59 dated 4--3--1997 was also filed.

As per ~~that~~ ^{Conveyed} letter dated 4--3--1997 the termination order issued by the impugned order dated 15--2--1995 was withdrawn with immediate effect. Hence the challenge of the

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impugned order in this O.A., had already been ^{multified} ~~fulfilled~~
by the ^{withdrawal} ~~cancellation~~ of the termination order of the
applicant. Hence the applicant cannot have any grievance
at present.

The applicant now submits that it is proposed to
fill up the post permanently. ^{applicant} Though ~~he~~ has no objection
for filling up the post permanently, he submits that the
respondents should inform him also while issuing a
requisition to the Employment EXchange for sponsoring
the suitable candidates, as he is entitled for regular
appointment since he had completed more than three years
of provisional service as EDBPM.

The rules for appointment of EDBPM ^{are} ~~were~~ clearly
given in the ED service rules. We have no doubt in our
mind that the respondent^y will definitely follow the extant
rules in this connection. Hence, we do not think that
any specific direction ^{is} ~~has~~ necessarily to be given to the
respondents in regard to the regular appointment of EDBPM~~s~~.,
in that post office. Hence, we have no other alternative
except to dismiss this O.A., as infructuous as the termination
order was cancelled with an observation that the regular
appointment to the said post of EDBPM has to be done


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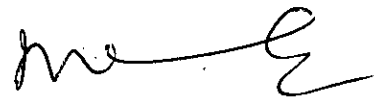
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in accordance with the extant rules.

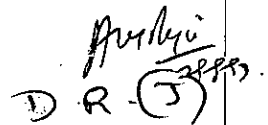
In the result, the O.A., is dismissed as
infructuous. There will be no order as to costs.


B.S. JAI PARAMESHWAR
MEMBER (J)
27.8.97


R. RANGARAJAN,
MEMBER (A)

Date: 27th August, 1997.

Dictated in open Court.


D R (J)

SSS.

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Copy to:

1. The Asst. Superintendent of P.Os., Kothapet.
2. The Superintendent of Post Offices, Amalapuram.
3. The Chief Post Master General, A.P., Hyderabad.
4. One copy to Mr. C. Suryanarayana, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 27/8/97

ORDER/JUDGEMENT

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

in

C.A.NO. 268/95

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

