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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA. 275/95

dt. 22-10-97

Between

P. Narasimha Swamy

: Applicant

and

1. Postmaster General  
Hyderabad Region  
Abids, Hyderabad

2. Supdt. of Post Offices  
Peddapalli ~~Post Office~~  
Karminagar Dist.

3. Asstt. Supdt. of Post Offices  
Huzurabad 505468  
Karimnagar

4. Vemuganti Tirupathaiah : Respondents

Counsel for the applicant

: K. Vasudeva Reddy  
Advocate

Counsel for the respondents

: N.R. Devaraj  
CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Jud1)

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## Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(Jud1))

None for the applicant. The applicant was also absent when this OA was taken up for hearing. Heard Sri N.R. Devaraj for the learned counsel for the respondents R-1 to R-3. Respondent-4 who was served, has remained absent.

1. The post of EDBPM, \_\_\_\_\_

office fell vacant from 17-3-1994 consequent on the resignation of regular incumbent of that post. The applicant was appointed against that post on provisional basis. The respondents issued open notification dated 5-4-1994 inviting applications for filling up the said post by regular candidates. In response to the said notification nine candidates including that of the applicant submitted their applications. After verification, applications of three candidates were found to be in order. The details of the three candidates whose applications were found in order are mentioned in page 2 of the reply.

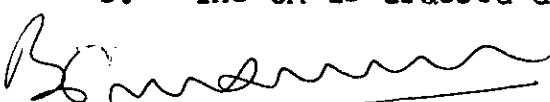
2. The respondents selected R-4 to the post and he was appointed. The applicant has filed this OA challenging the selection and appointment of R-4 as EDBPM of that post office. His main contention is that the case of R-4 should have been considered strictly in terms of the notification and that there was no reasons for his selection on the ground that he was a thrown out ED Agent.

3. The respondents filed counter justifying the selection and appointment of R-4 on the ground that he was <sup>a</sup> thrown out ED Agent. That in order to fulfil certain conditions R-4 was selected and appointed.

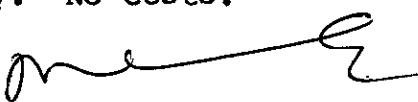
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4. The notification issued by the respondents was to fill up the post by regular process. It was not meant for filling up the post by <sup>a</sup> thrown out ED Agent. The respondents should have considered the candidature of R-4 on par with the regular candidates. If the respondents felt necessity of should have cancelled the notification dated 5-4-1994 and ~~they~~ should have ~~been~~ resorted to appoint R-4. When the respondents have deviated from the notification dated 5-4-1994 and appointed a thrown-out ED Agent, the selection and appointment of R-4 cannot be sustained. <sup>5</sup> Hence, We are compelled to set aside the selection and appointment of R-4. For the reasons stated above, the selection and appointment of R-4 is set aside.

5.(a) The OA is ordered accordingly. No costs.

  
 (B.S. Jai Parameshwar)  
 Member (Judl.)

22.10.97

  
 (R. Rangarajan)  
 Member (Admn.)

Dated : October 22, 97  
 Dictated in Open Court

*Amby 22-10-97*  
 D-R (J)

sk

10/11/97

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

T.M. TELANGANA HYDERABAD

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

AND

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

Dated: 22/10/97

ORDER/JUDGMENT

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

in  
D.A.NO. 275/95

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

