

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

XXX

O.A.NO.316/95

DATE OF JUDGMENT: 13.3.95

BETWEEN:

SMT. G.AMMAJI

..

APPLICANT

AND

1. The Post Master,
Head Post Office,
Narsipatnam,
Visakhapatnam District.

2. The Superintendent of Post Offices,
Anakapalli Division,
Anakapalli-531 001.

... RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI KRISHNA DEVAN

COUNSEL FOR THE RESPONDENTS: SHRI N.V.RAGHAVA REDDY

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

contd....

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OA No.316/95.

JUDGMENT

Dt: 13.3.95

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

Heard Shri Krishna Devan, learned counsel for
Shri N.V.Raghava Reddy, learned standing
counsel for the respondents.

2. The applicant was selected for the post of Extra Departmental Stamp Vendor and appointed for the said post on 26.10.1993 by R-I. R-2, an authority superior to R-I directed R-I to terminate the services of the applicant with notice. Accordingly, R-I issued the impugned order dated 22.2.1995 informing the applicant that her services as ED Stamp Vendor will be terminated on any date after one month from the date of receipt of the said notice. It is challenged in this OA.

3. It was held by the Full Bench of this Tribunal in OA 57/91 that Rule 16 of the Extra Departmental Agents (Conduct & Service) Rules does not empower the authority ^{above} who was the appointing authority to set-aside the order of appointment on the basis of the alleged irregularities. It was further held therein that the authority merely because the higher authority ^{over the appointing} of the administrative authority, has no power to set-aside the order of appointment.

contd....

issued by the appointing authority, on the administration side also. As such, the authority higher to the appointing authority cannot direct the appointing authority to terminate the services of an employee appointed by ^{him} ~~the lower~~ authority.

4. In view of the above Full Bench judgment, the impugned order dated ~~22.2.1995~~ 22.2.1995 is liable to be set-aside. There is no need to consider for the disposal of this OA as to under what circumstances the appointing authority can pass an order under Rule ⁶ ~~16~~ of ED Agents (Conduct & Service) Rules.

5. In the result, the letter No.B/ED-6/4(B), dated 17.2.1995 ^{AR} and the impugned order No.H/PF/EDSV/94-95/NRP ^{AR} HO,531116, dated 22.2.1995 ^{AR} are set-aside.

6. The OA is ordered accordingly at the admission stage. No costs./

ORIGINAL TO BE FILED IN
Date.....^{16.3.96}
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

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

DATED - 13-3-1995.

ORDER/JUDGMENT:

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

in

O. A. No.

316/95

T. A. No.

(W. P. No. 316/95)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

(Along with O.A. No. 316/95)

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

No spare copy

