

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.407/95.

Date of decision: 5th November, 1997.

Between:

R. Srinivasa Rao. .. Applicant

and

1. Assistant Superintendent of Post Offices,
South Sub Division, Kakinada.

2. Supdt. of Post Offices, Kakinada.

3. Sri S.V.Suryanarayana Murthy. Respondents.

Counsel for the applicant: Sri P.Rathaiah.

Counsel for the respondents: Sri N.V.Raghava Reddy.

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))

Heard Sri P.Rathaiah, the learned counsel for the applicant and Sri N.V.Raghava Reddy, the learned counsel for the Respondents.

The post of EDDA Indrapalem had fallen vacant on account of the promotion of the incumbant of that post as Postman. The applicant was appointed as EDDA on provisional basis with effect from 1-10-1994. While he was holding the post on provisional basis, Respondent No.3 who was a thrown out E.D. Agent was appointed as EDDA of Indrapalem.

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The applicant being aggrieved by the posting of Respondent No.3 as EDDA has filed this O.A., praying to set aside the orders passed by the A.S.P., Kakinada South Sub Division by Memo No. P.F/EDMC/DA Chollarigipeta dated 9-3-1995 and pass such other order or orders.

The respondents have filed their counter stating that the Respondent No.3 who was working as EDDA Chollarigipeta was terminated on account of some irregularity in his appointment, that he had held the post continuously for a period of three years and therefore he has to be absorbed in one of the available vacancies. Hence he was posted as EDDA Indrapalem. Since the appointment of the applicant as EDDA at Indrapalem was provisional, a regular candidate had to be replaced him. The respondents contend that the Respondent No.3 was thrown out as his appointment was found to be irregular, that he had put in three years of service. Hence, in order to accommodate him the applicant was replaced by Respondent No.3. At this stage, we are not able to state whether the respondents had properly categorised Respondent No.3 as the thrown out EDDA and whether his services were terminated on account of the irregularity committed by the Department. However, the respondents submit that since the Respondent No.3 had

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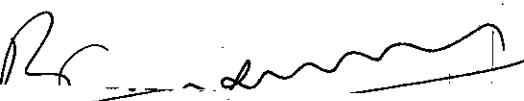
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completed three years' continuous service and was ~~as~~ thrown out of his appointment, he was appointed as thrownout EDDA in place of the applicant.

In that view of the matter, the applicant cannot have any grounds to question the appointment of Respondent No.3 in his place. The applicant has not challenged when the name of Respondent No.3 ~~has been~~ was entered as thrown out Agent in the official records.

The applicant also states that the provisional EDDA junior to him has been continued ~~whereas~~ he has been thrown out. But the applicant has not ~~submitted~~ ~~that~~ ~~any~~ ~~action~~ ~~was~~ taken ~~any~~ ~~action~~ ~~was~~ Hence, we are not able to give any direction if such an irregularity alleged to have been committed by the Department.

In view of what is stated above, the applicant has not made out any case for replacing the Respondent No.3 in his place. Hence the C.A., is dismissed as having no merits. No costs.


Member (J)
S.1997


Member (A)

Date: 5th November, 1997.
Dictated in open Court.

sss.

