

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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Date of decision: 3rd November, 1997.

Between:

B.Venkatesam. .. Applicant.

1. Superintendent of Post Offices,
Medak Division, Medak.
2. The Director of Postal Services,
Hyderabad Division, Hyderabad.
3. The Inspector of Post Offices,
Medak East, Medak.
4. Smt. K.Vijaya. .. Respondents.

Counsel for the applicant: Sri D.Linga Rao.

Counsel for the official respdts: Sri N.V.Raghava Reddy.

Counsel for private Respondent No. 4: Sri S.Ramakrishna Rao.

CORAM:

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

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

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

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None for the applicant. Sri W. Satyanarayana for
Sri N.R. Devaraj for official respondents. Sri S. Rama
Krishna Rao for private Respondent No.4.

As the O.A., was filed in 1995, it is being
disposed of under Rule 15(1) of the Central Administrative
(Procedure) Rules, 1987.

The applicant in this O.A., ^{was} is an aspirant for
the post of EDBPM of Chellapur Branch Office in Dubbak Mandal.
This O.A., is filed challenging the selection of Respondent No.4
and for quashing the said selection of Respondent No.4 by
holding that the applicant is entitled for the post in
preference to Respondent No.4.

A reply has been filed by the official respondents
in this O.A. The learned counsel for the official res-
pondents submitted that he has nothing to add in this
connection. Sri Ramakrishna Rao, the learned counsel for
the Respondent No.4 submitted that the applicant is not
entitled to the post as he is not a candidate who applied
for the post in response to the Notification dated 8-6-1992
issued by the respondents. Hence the applicant has no locus standi
to challenge the posting of the Respondent No.4.

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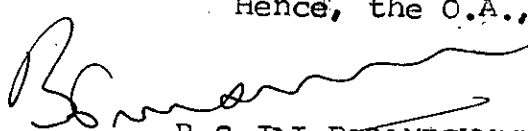
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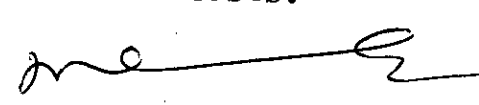
Due to the discharge of the regular appointee on 25-8-1992 on attaining the age of 65 years, a notification^{was issued} for filling up the post^{as well as} Employment Exchange^{was} has been addressed on 8.6.1992 to sponsor suitable candidates. A public notification was also issued on the same day. There was no response from the Employment Exchange. 19 applications were received in response to the public notification. As the selection could not be completed by 25-8-1992 one Sri B.Nagabhushanam was posted from 25-8-1992 on provisional basis to discharge the duties of EDBPM. While the selection process was going on, O.A.993/92 was filed on the file of this Tribunal challenging the selection process. By the judgment dated 21-3-1994 the Superintendent of Post Offices was directed to select a candidate from among those who filed their applications in time in pursuance of the notification dated 8-6-1992 in accordance with the rules. As all the 19 applications received in response to the notification dated 8-6-1992 were found not in order, a re-notification was issued on 31-5-1994. The applicant in O.A.993/92 challenged the renotification by filing C.P.136/94. By an interim order dated 15-7-1994~~and~~ in that C.P., the selection proceedings started with reference to Notification issued on 31-5-1994^{were} stayed. However, that C.P., was finally disposed of on 23-1-1995 with a direction to finalise the selection from among the applicants who applied with reference to notification dated 8-6-1992. The Superintendent of Post

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Offices finalised the selection by selecting the Respondent No.4 and issued orders on 22-2-1995 ordering transfer of the charge of the B.O. from the provisionally appointed B.P.M., to the selected candidate. The above facts have been narrated in the reply statement of the official respondents. It is stated in the reply statement that the applicant did not apply for the post of BPM Chellapur Branch Office in pursuance of the notification dated 8-6-1992. When the Tribunal directed to finalise the selection with reference to the notification dated 8.6.1992, only those who have ^d applied in response to the notification dated 8.6.1992 can only be considered for posting. Since the applicant ~~is~~ had not applied in response to the notification dated 8-6-1992, he has no right to be posted as EDBPM of Chellapur Branch Post Office. No rejoinder has been filed by the applicant. Hence, it has to be held that the submissions made by the respondents in the reply are in order. Hence, in view of the facts mentioned above, the applicant has no right to ask for the cancellation of the appointment of the Respondent No.4 ~~and to challenge his appointment and to~~ post him vice Respondent No.4.

Hence, the O.A., is dismissed. No costs.


B.S. JAI PARAMESHWAR,
Member (J)



R. RANGARAJAN,
Member (A)

Date: 3-11-1997.

Dictated in open Court.

sss.

3.11.97


D.R.

DA.436/95

Copy to:-

1. The Superintendent of Post Offices, Medak Division, Medak.
2. The Director of Postal Services, Hyderabad Division, Hyderabad.
3. The Inspector of Post Offices, Medak East, Medak.
4. One copy to Mr. D.Linga Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.V.Ragunath Rao, CAT., Hyd.
6. One copy to Mr. S.Ramakrishna Rao, for R-4, CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 3-11-97

~~ORDER/JUDGMENT~~

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

in

O.A.NO. 438/95

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
10 NOV 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH