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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1274 of 1996

DATE OF ORDER: 24th SEPTEMBER, 1998

BETWEEN:

B.V.S.GAUTHAM

.. APPLICANT

AND

1. The Superintendent of Post Offices,
Rajahmundry Postal Division,
Rajahmundry, E.G.District,

2. SHRI K.SRINIVAS .. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

JUDGEMENT

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant in this OA was posted as a provisional EDBPM, Balabhadrapuram BO from 12.11.94. He was replaced by R-2, a provisional appointee, on 2.9.96. When he was replaced by another provisional appointee, it is not understood why the applicant had not challenged that replacement. R-2 had taken over. Hence no order is necessary at this juncture. However, the first notification was issued on 9.1.95 for filling up the post

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of EDBPM, Balabhadrapuram BO. But that notification could not be taken to the logical conclusion as none of the applicants in response to that notification could be posted. Hence a second notification was issued on 11.1.96. The applicant was the candidate who applied in response to the 2nd notification. R-2 had not applied in response to the 2nd notification. But that selection ~~was~~ ^{had also} failed to get selected candidates as the applications received were not in order. Hence it is stated that a third notification was issued on 8.11.96 and one Mr.Krishnasgi was appointed. In response to the third notification, the applicant also applied, as submitted by the learned standing counsel for the respondents. But the applicant had not given any details in regard to the third notification. Even the reply does not talk of the third notification. But at the time of hearing, it was submitted by the respondents that the second notification ~~was~~ ^{had} also failed to get proper candidates and hence the third notification was issued and Mr.Krishnasgi was selected and appointed.

3. This OA is filed praying for a direction to the respondents to consider the case of the applicant for posting him as EDBPM, Balabhadrapuram BO in pursuance to the notification dated 11.1.96 as he was the meritorious candidate and to set aside the action of R-1 in appointing R-2 on provisional basis with effect from 2.9.96 replacing the applicant ignoring his claim.

4. As stated earlier, the applicant was a provisional candidate and he had already been replaced by R-2. Hence no further order can be given at this juncture.

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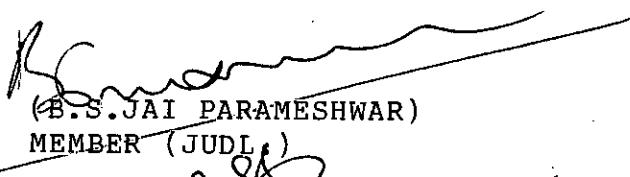
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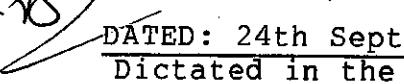
The second notification had failed to get any selected candidate. Hence the third notification was issued, based on which Mr.Krishnasri was selected and posted. For the third notification, the applicant was also a candidate. Hence if the applicant is aggrieved by the selection of Mr.Krishnasri based on the third notification, he is at liberty to challenge that selection in accordance with law.

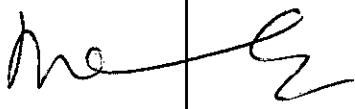
5. During the course of arguments today, it was brought to our notice a letter dated 2.12.97 addressed to the applicant informing him that his case for posting him as BPM, Amjuru on compassionate grounds has been approved and to obtain required papers and hence he was asked to fulfil the formalities. The letter was issued on 2.12.97 and a week's time was given to reply in this connection. It is not understood why the applicant had not taken that opportunity. Any way, we do not want to observe any thing in this connection. It is for the applicant to approach the concerned authorities in connection with his appointment on compassionate grounds as informed to him by the letter dated 2.12.97.

6. In view of the above, the OA is disposed of as having no merits. However, the applicant is at liberty to approach the appropriate authority in connection with the letter dated 2.12.97.

7. No order as to costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)


24-9-98
DATED: 24th September, 1998
Dictated in the open court


(R.RANGARAJAN)
MEMBER (ADMN.)


D.R. 1998

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Copy to:

1. The Superintendent of Post Offices, Rajahmundry Postal Division, Rajahmundry, E.G.District.
2. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
3. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One duplicate copy.

YLKR

II COURT

83/10/98
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APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 24/9/98

ORDER/JUDGMENT

~~M.A./P.A./C.P.W.C.~~

in
G.A.NO. 1274/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
श्रेष्ठ / DESPATCH

13 OCT 1998

हैदराबाद न्यायालय
HYDERABAD BENCH