

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1427/96

Date of Order: 11.12.96

BETWEEN :

S.Lakshma Nayak

.. Applicant.

AND

1. The Sub-Divisional Inspector
(Postal), Kalyandurg-515761.
2. The Supdt. of Post Office,
Anantapur Division,
Anantapur,.-515 001.
3. The Post Master General,
A.P. Southern Region,
Kurnool- 518 005.
4. The Union of India, rep. by the
Director-General, Dept. of Posts,
Dak Bhavan, New Delhi-110 001.
5. Sri P.Onnurswamy,
Provisional Extra-Departmental
Mail Carrier-Delivery Agent,
Ramasagram B.O., A/W Beluguppa S.O
Anantapur Dist- 515 741.

.. Respondents.

Counsel for the Applicant

.. Mr.T.V.V.S.Murthy

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.) °

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

JUDGEMENT

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

Heard Mr.T.V.V.S.Murthy, learned counsel for the
applicant and Mr.N.R.Devraj, learned standing counsel for
the respondents.

2. A regular post of EDMC-DA, Ramasagram B.O. under
Beluguppa S.O. in Anantapur Division became vacant due to
retirement of the incumbent of that post on superannuation
on 30.6.96. Advance action was taken by the P&T to fill up

Ri *D*

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that post by issuing notification in February/March 1996. In response to the notification it is stated that seven applications were received including that of the applicant and R-5, and it is stated by the applicant that the applications of those ^{who} responded to the notification were verified on 10.6.96. In spite of formalities having been over the applicant submits that no action was taken to post the regularly selected candidate in the post of EDMC-DA. R-5 was posted as EDMC-DA on a provisional basis overlooking extant instructions in this connection. He also states that the applicant is an ST candidate and hence he should be given preference for regular posting as EDMC-DA as there is shortage of ST in that unit.

3. This OA is filed praying for a direction to the respondents to terminate the provisional appointment of R-5 forthwith and to finalise the selection for the said post taking due note of the shortfall percentage of ST community in the said unit.

4. The applicant in this OA brought to our notice the instructions of the D.G. vide D.G. P&T Lr.No.43-4/77-Pen., dt. 18.5.79 to state that retirement vacancy should be filled only by regularly selected candidates and not by provisional appointment. We have pursued this letter. As per 12(i) of that letter the provisional appointment should not be ^{regular} ~~asserted~~ to as far as possible. But in cases where it could not be finalised in time we do not see any bar to post a provisional appointee so that work is not hampered. The question of considering him against the ST quota does not arise at this juncture as no regular candidate has been posted. He may challenge the selection when the regular selection is made if rules of reservation ^{is} not followed.


5. In view of what is stated above the only direction that can be given in this OA is to finalise the selection for the

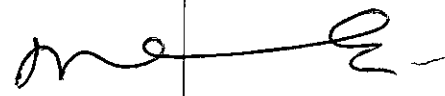
post of EDMC-DA, Ramasagaram Branch Office expeditiously preferably within three months from the date of receipt of a copy of this order.

6. In the result, R-1 is directed to finalise the selection for the post of EDMC-DA initiated by issuing notification in February/March 1996 within three months from the date of receipt of a copy of this order in accordance with the rules.

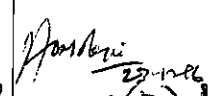
7. The OA is ordered accordingly. No costs.

8. (Registry to send a copy of the OA with its enclosures along with the judgement to R-1).


(B.S. JAI PARAMESHWAR)
Member (Jull.)
11/12/96


(R.RANGARAJAN)
Member (Admn)

Dated : 11th December, 1996
(Dictated in Open Court)


Dr Registrar (3)

: 4 :

Copy to:-

1. The Sub Divisional Inspector(Postal), Kalyandurg.
2. The Supdt of Post Offices, Anantapur Division, Anantapur.
3. The Post Master General, A.P.Southern Region, Kurnool
4. The Director General, Dept. of Posts, Union of India,
Dak ~~Sadana~~ Bhavan, New Delhi.
5. One copy to Sri. T.V.V.S.Murthy, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, SR, CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

(46)
31/1/97

TYPED BY

CHECKED BY

COMPILED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 11/12/96

~~ORDER/JUDGEMENT~~

~~R.A./C.P/M.A.Ns.~~

O.A./NO. 1427/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

A/c m/g o.s. to R.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH 27 DEC 1996 हैदराबाद न्यायपीठ HYDERABAD BENCH
