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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 B.Onnurswamy,  
Provisional Extra-Departmental  
Mail Carrier-Delivery Agent,  
Ramasagaram B.O., A/W Beluguppa S.O  
Anantapur Dist- 515 741.

.. Respondents.

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Counsel for the Applicant

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

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

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

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

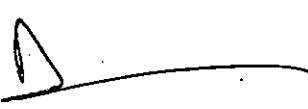
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JUDGEMENT

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

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, Ramasagaram 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





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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 responded to the notification were verified on 10.6.96. Inspite 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 assumed 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

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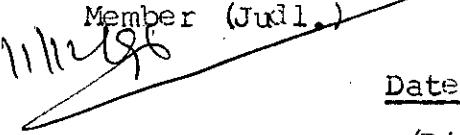
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post of EDMC-DA, Ramasagaram Branch Office expeditiously preferably within three months from the date of receipt of a copy of this order.

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.

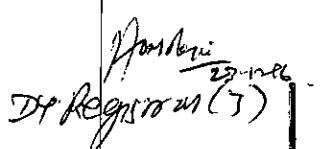
7. The OA is ordered accordingly. No costs.

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

  
B.S. JAI PARAMESHWAR  
Member (Judl.)  


  
( R. RANGARAJAN )  
Member (Admn )

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

  
Dy. Registrar (J)

sd

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 ~~Saddan~~ 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

11/12/96

THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH HYDERABAD

TYPED BY

CHECKED BY

COMPARED 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.BAI PARAMESHWARI: M(J)

DATED: 11/12/96

ORDER/JUDGEMENT

~~R.A./C.P./M.A./N.S.~~

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/w esting on t/r*

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
प्रेषण/DESPATCH

127 DEC 1996 NRP

हैदराबाद न्यायपीठ  
HYDERABAD BENCH