

(18) (17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

OA. 283/96.

Date of order: 11-3-1996.

Between:-

K. S. Somayajulu ... Applicant.

And

1. The Post Master General, Vijayawada Region,
Vijayawada.
2. The Chief Post Master General, ~~ХХХХХХХХХХ~~
Dak Sadan, Abids, Hyderabad.
3. Union of India, rep. by the Director
General, Department of Posts, New Delhi.

... Respondents.

Counsel for the Applicant: Mr. K. Venkateswara Rao

Counsel for the Respondents: Mr. V. Bheemanna, CGSC.

CORAM:

HON'BLE MR. JUSTICE M.G. CHOWDHARY, VICE CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGEMENT

Dt. 11.3.96

(AS PER HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.))

Heard Shri K.Venkateswara Rao, learned counsel for the applicant, and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant, who belongs to HSG-I, is at present officiating as Senior Post Master in Vijayawada HPO. He is to retire on superannuation in less than a year. His apprehension is that the leave vacancy against which he is now officiating as Sr. Post Master may come to an end prior to his ensuing retirement, thereby resulting in a situation where he might be reverted from the post of Sr. Post Master to his original position in HSG-I.

3. In this application, the applicant has challenged a recent amendment to the existing rules for promotion to PSS Grp. 'B', wherein the proportion of promotions has been reduced from 10% to 6%, subject to passing of certain departmental competitive examination, insofar as they apply to the General Line officials, as against Inspectors and Assistant Superintendents who are not required to pass any such examination and whose proportion of promotions has gone up consequently, as a result of the said amendment.

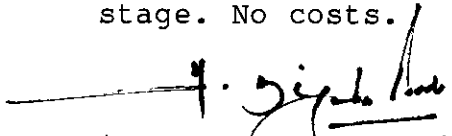
4. We are not inclined to interfere with the issue of amendment to the rules since they have been made by a competent authority under proper provisions of rules. We

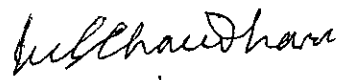
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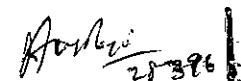
have neither any desire nor do we find any justification in interfering in the valid exercise of powers by a competent authority. However, considering the apprehensions entertained by the applicant, the OA is disposed of with a direction that, subject to administrative exigencies and feasibility, efforts may be made by the respondents to ensure that the applicant is not needlessly reverted from the position of Sr. Post Master or an equivalent post, to a lower post until his superannuation.

5. Thus, the OA is disposed of at the admission stage. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

Dated: 11th March, 1996
Open court dictation


25/3/96
Dy. Registrar (Judl)

vsn

Copy to:-

1. The Post Master General, Vijayawada Region,
Vijayawada.
2. The Chief Post Master General, Dak Sajan,
Abids, Hyderabad.
3. Union of India, rep. by the Director General,
Department of Posts, New Delhi.
4. One copy to Mr. K. Venkateswara Rao, Advocate,
CAT, Hyd.
5. One copy to Mr. V. Bheemanna, Addl. CGSC, CAT, Hyd.
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07-283/96
10/4/96
I COURT

TYPED BY _____ CHECKED BY _____
COMPARED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

Atty of G. Chowdhary
THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND
H. Rajender Prasad
THE HON'BLE MR. R. RANGARAJAN : M.A.

Dated: 11-3-1996

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in
O.A.No. 283/96

T.A.No. (w.p.No. _____)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions *At the*
Dismissed. *a of mi office stage*

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs. *A/w copying DA*

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेद्यण/DESPATCH
14 APR 1996
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MISCELLANEOUS APPLICATION NO.984/96

IN

ORIGINAL APPLICATION NO.283/96

DATE OF ORDER : 08-11-1996.

Between :-

K.S.Somayajulu

... Applicant

And

1. The Post Master General, Vijayawada Region, Vijayawada.
2. The Chief Post Master General, Dak Sadan, Abids, Hyderabad.
3. Union of India, rep. by the Director General, Department of Posts, New Delhi.

... Respondents

-- -- --

Counsel for the Applicant : Shri K.Venkateshwar Rao

Counsel for the Respondents : Shri V.Bhimanna, Addl.CGSC

-- -- --

CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

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


(Order per Hon'ble Justice Shri M.G.Chaudhari, VC).


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The original order in OA 283/96 had left it to the discretion of the respondents to consider if reversion can be avoided. There is no question of its implementation being enforced by a positive act. From para-3 of the M.A. it is clear that the applicant had been reverted and again posted as Senior Post Master from 15-7-96. The M.A. was filed on 1.11.96. It is clear as such

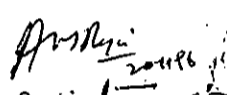
that since 15-7-96 he is working as Senior Post Master. Therefore no question of implementation of the order arises. The learned counsel for the applicant orally submits that as on today the applicant is not holding the post of Senior Post Master. We do not know under what Circumstances it is so and going by the statement in the M.A. we see no case for directions to be issued. M.A. disposed of with no order thereon.

2. No costs.


(R. RANGARAJAN)
Member (A)


(M. G. CHAUDHARI)
Vice-Chairman

Dated: 8th November, 1996.
Dictated in Open Court.


Deputy Registrar (DCC)

avl/

(24)

M.A. 984/96

O.A.283/96.

To

1. The Postmaster General, Vijayawada Region,
Vijayawada.
2. The Chief Postmaster General,
Dak Sadan, Abids, Hyderabad.
3. The Director General, Dept. of Posts,
Union of India, New Delhi.
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pvm.

3/12/96

25

I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

R. Ranganathan

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 8 - 11 - 1996

ORDER / JUDGMENT

~~M.A./R.A./C.A.~~ No. 984/96

in

O.A.No. 283/96.

T.A.No. (w.p.)

Admitted and Interim Directions

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Dismissed as withdrawn.

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No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
श्रेणिका / DESPATCH
29 NOV 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH