

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO.299 of 1996.

Between
U.Shankar

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And

Dated: 15.3.1996.
Applicant

Superintendent of Post Offices, Adilabad Division, Adilabad.

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Respondent

Counsel for the Applicant : Sri. S.Ramakrishna Rao
Counsel for the Respondent : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

The Hon'ble Tribunal made the following order:-

This OA called today for extention of adinterim order passed on 14.3.1996. On 14.3.96 an adinterim order was issued to continue the applicant as Provisional EDBPM, Nighwa till 14.3.96. It was also ordered that the respondents shall produce the file containing the notings which led to the issue of the second notification.

2. The learned standing counsel submitted today on the basis of file notings that before the issue of the first notification the Employment Exchange was approached to send lis of candidates for consideration for the post of EDBPM, Nighwa. But they did not respond. Hence an open notification was issued. That open notification had a lacuna in that it was not docketed to all the concerned and proper publicity was not given. This lacuna was noticed by the higher authorities and hence issue of a second notification was necessitated. In the circumstances the issue of the second notification cannot be avoided.


3. The learned counsel for the applicant submitted that if so, the selected candidate in the first notification could have been easily appointed on provisional basis instead of appointing the applicant herein on provisional basis. This could have been easily done in view of the time lag from the announcement of the results of the first notification and the appointment of the applicant 3 months later. But it is not known whether the selected candidate was readily available or not for appointment. The learned counsel for the applicant further submitted that irreparable damage will be caused to the applicant if he is retrenched and the selected candidate on the basis of the second notification was posted as EDBPM and hence he prayed that the applicant may be continued on provisional basis till the OA is disposed of.

4. After hearing both sides, I am of the opinion that the interest of both the selected candidate and the applicant in this OA has to be protected. The only way to protect the interest of both is to post the selected candidate as EDBPM subject to the outcome of this OA, in which case the selected candidate even if appointed now replacing the applicant, the applicant will not suffer if he succeeds this case.

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5. In the circumstances, stated above the balance of convenience lies in granting following interim order:-
6. Any appointment made to the post of EDBPM, Nighwa on the basis of the second notification is subject to the outcome of this OA. This fact has to be mentioned in the appointment order to be issued to the selected candidate. The interim order passed on 4.3.96 stands modified as above. The applicant is given liberty to implead the selected candidate as and when the selected candidate is appointed.
7. The learned counsel for the applicant requested for early hearing. Hence post this case on 15.4.96. Reply in the meantime.


Deputy Registrar(Judl.)

Rsm/-

31/03/96

DA 299/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R. Rangarajan
HON'BLE SHRI A.B. GORTHI : MEMBER(A)

~~HON'BLE SHRI~~

DATED: 15/3/96

~~ORDER/JUDGMENT~~

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

IN
299/96
O.A.NO.

~~ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED REJECTED
NO ORDER AS TO COSTS~~

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