

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.940/96.

Date of order : 8.8.1996.

Between

K.Sobharani

.. Applicant

And

1. The Divl. Supdt.,
O/o the Supdt. of Post Offices,
Tirupati Division,
Tirupati-517501.

2. The Supdt. of Post Offices,
Tirupati-517501.

.. Respondents

Counsel for the Applicant .. Shri K.Ram Bhopal Reddy

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

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The applicant was provisionally appointed to look after the work of Extra Departmental Branch Postmaster, T.T.D.Press B.O., Tirupati North vice one Shri P.V.Maruthi Kumar who was put off duty pending finalisation of disciplinary proceedings. The appointment order stipulated that it was tenable till disciplinary proceedings against Shri P.V.Maruthi Kumar were finally disposed of and in case it was finally decided then not to take him back into service/till regular appointment was made. The applicant is continuing to work on the basis of this order.

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2. A notification was issued by the Supdt. of Post Offices, Tirupati on 1.11.95 inviting applications from eligible candidates for selection to the said post. The applicant could have qualified in pursuance of that notification but she did not apply. The last date for the receipt of applications was 4.12.95. This notification is sought to be challenged in the O.A. on the ground that the disciplinary proceedings against Shri P.V. Maruthi Kumar have not been ~~stated therein to have been~~ concluded finally and therefore it could not have been issued. Now there is nothing to show as to whether the proceedings have been finalised or not. The very fact that a notification has been issued leads to the inference in the absence of anything contrary being shown that the proceedings may have been completed. Thereafter comes the question of regular appointment in pursuance of the said notification. The threat to the applicant's continuation in service can arise only when such regular appointment is contemplated to be made. She is clearly entitled to be continued provisionally till the conditions mentioned in the order dated 6.6.96 are fulfilled. It is apparent that any selection made contrary to that condition could afford a ground to the applicant to challenge the validity of that selection if such an occasion arises. In our opinion therefore there is no grievance as at present which requires the O.A. to be entertained. We are inclined to think that as the applicant missed the opportunity of applying in pursuance of the notification that she has filed this O.A. after a long lapse of time i.e., nearly after 8 months.

3. For the above reasons we find no *prima facie* case to entertain the O.A. at this stage and the same is rejected.

H. Rajendra Prasad
(H. Rajendra Prasad)
Member(A).

M.G. Chaudhary
(M.G. Chaudhary)
Vice-Chairman.

br.

Dated: 8.8.1996.

Dictated in Open Court.

Arshia
D.R. (S) cc

O.A.940/96.

To

1. The Divisional Superintendent,
O/o the Supdt.of Post Offices,
Tirupati Division, Tirupati-501.
2. The Supdt.of Post Offices,
Tirupati-501.
3. One copy to Mr.K.Ram Bhopal Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, Addl.CGSC. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

Act
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 8 - 8 - 1996

~~ORDER~~ JUDGMENT

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

in

O.A.No. 940/96

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

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

28 AUG 1996 *NBP*

हैदराबाद बोर्डर
HYDERABAD BENCH