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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.362 of 1996

DATE OF ORDER: 13th August, 1998

BETWEEN:

Sk.NASIRUDDIN

.. APPLICANT

AND

The Sub Divisional Inspector (Posts),  
Mahabubnagar West Sub Division,  
Mahabubnagar.

.. RESPONDENT

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENT: Mr.N.V.RAGHAVA REDDY, Addl.CGSC

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

JUDGMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

None for the applicant. Heard Mr.W.Satyanarayana for Mr.N.R.Devaraj, learned standing counsel for the respondent.

2. The post of EDMC, Erupamula EDBO in a/w Kodangal S.O. fell vacant with effect from 1.7.92 consequent on the discharge of the regular incumbent on attaining the age of 65 years. The applicant was provisionally appointed in that vacant post on 1.7.92. Action to fill up the post regularly was initiated on 20.12.95 calling for applications from the Employment Exchange. There were no response. Hence an open notification was issued on 8.2.96

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fixing the last date for receipt of applications as 7.3.96. It is stated that the application of the applicant for the post was received on 8.3.96. It is stated that the vacancy is not filled regularly on the basis of that notification.

3. This OA is filed for setting aside the impugned notification dated 8.2.96 by declaring it as arbitrary, illegal, unwarranted and for a direction to the respondent to appoint the applicant on regular basis treating the period of 3 years 8 months' service put in by the applicant as regular service with all consequential benefits.

4. The contention of the applicant is that he has been working for 3 years and 8 months as a provisional candidate against the vacancy caused due to the discharge of the superannuated official. When the applicant has been posted against a regular vacancy and worked for 3 years and 8 months, he should be treated as a regular candidate and hence issue of a fresh notification for filling up that post does not arise. It is further stated by him that he had fulfilled all the qualifications for posting against that post regularly.

5. A reply has been filed in this OA. The respondent submits that the applicant is only a provisional candidate and he had not submitted his application in time in response to the notification dated 8.2.96 and he is also educationally not qualified as he had studied upto 3rd standard whereas the required qualification is 8th standard.

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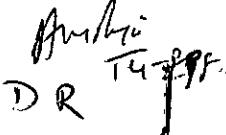
6. It is a fact that the applicant is a provisional candidate. Hence he has to compete with the other candidates for regular absorption as EDMC. If he is found fit, then only his services can be regularised. It is stated in the reply that the candidates who applied for the post of EDMC in response to the notification dated 8.2.96 were well qualified and hence the applicant has no case. Further, his application was also received late. There is force in the submission of the respondent in this connection. The applicant, as a matter of right, cannot demand for regularising his services as EDMC just because he had put in 3 years and 8 months' of provisional service.

7. In view of what is stated above, we find no merits in this OA. Hence the OA is dismissed. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
MEMBER (JUDL.)

13-8-98

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

  
DR 14-8-98

DATED: 13th August, 1998  
Dictated in the open court

vsn

Copy to:

1. The Sub Divisional Inspector (Posts),  
Mahaboobnagar West Sub Division,  
Mahaboobnagar.
2. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
3. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, AT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One duplicate copy.

YLKR

24/8/98  
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II COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI O.S. DAI PARAMESHWARI :  
M(J)

DATED: 13/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

C.A.NO. 362/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
मुद्रण / DESPATCH

20 AUG 1998

हैदराबाद न्यायपीट  
HYDERABAD BENCH