

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.642/96

DATE OF ORDER : 26-8-1998.

Between :-

B.Gangadharam

... Applicant

And

1. The Sub-Divisional Inspector (Postal),
Kadiri Sub Division,
Hindupur Division, Anantapur District.
2. The Superintendent of Post Offices,
Hindupur Division, Anantapur.
3. N.Gangadri

... Respondents

-- -- --

Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri V.Bhimanna, CGSC

-- -- --

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).



-- -- --

... 2.



- 2 -

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

-- -- --

Heard Sri Krishna Devan, counsel for the applicant and
Sri V.Bhimanna, standing counsel for the respondents.

2. The applicant while working as provisional EDMC,
Daburavaripalli Branch Post Office, Kadiri Sub Division,
Anantapur District. from 1-1-1996 applied for regular appointment
to that post in terms of notification dt.13-2-1996. It is stated
that Respondent No.3 was selected and posted. The applicant ^{has} filed
this DA challenging selection of Respondent No.3 and for a conse-
quential direction to post him as EDMC in that post office.

3. When we took up this DA for hearing, the learned counsel
for the applicant brought to our notice the appointment order of
Respondent No.3 bearing No.EDMC/DA Daburavaripalli/96, Kadiri
dated 31-5-1996 enclosed to the rejoinder. A perusal of the order
dt.31-5-96 indicates that respondent No.3/^{was} appointed only as a
provisional EDMC. The order dt.31-5-96 is not for a regular
appointment. Hence the question of challenging the provisional
appointment of respondent No.3 at this juncture does not arise.
If the applicant is aggrieved by the provisional appointment of
Respondent No.3, he should have ^{ged} challenged the same earlier itself
as a provisional appointee cannot be replaced by another provisional
employee. But lot of time/^{had} passed after the provisional appoint-
ment of respondent No.3. At this late juncture it is not permissible
to reinstate the applicant on provisional basis by removing the

JK

1

.... 3.

- 3 -

present provisional incumbent. However, the applicant is at liberty to challenge ^{the order} ~~the~~ regularly posted candidate ^{as} and when orders are issued.

4. The learned counsel for the respondents submitted that the said order dt.31-5-96 was issued during the pendency of the OA, but that submission is not correct. The OA was filed on 5-6-96 whereas the provisional appointment of respondent No.3 was issued on 31-5-96 earlier to the filing of this OA. Even the order dt.31-5-96 states that respondent No.3 was posted provisionally from 1-6-96 to 30-11-96. It looks, no further order was issued after 30-11-96.

5. The learned counsel for the applicant submits that the reply was filed by the Asst.Post Master General (S & B) working in the office of Chief Post Master General, A.P.Circle on his behalf and on behalf of the other respondents. He further adds that the said Asst.Post Master General (S&B) is not a party to this OA. Hence he cannot file this reply on his behalf. Only the Respondents 1 and 2 should have filed this reply. The learned counsel for the applicant further submits that such an error leads to undesirable conclusions.

6. As we are not passing any order on merits ⁱⁿ ~~of~~ this OA, the above submission of the applicant may be noted by the respondents' organisation for such action as they deem fit.

7. In view of what is stated above, the OA is disposed of with no order as to costs with liberty to the applicant to challenge

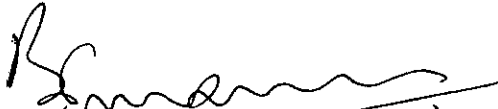
R

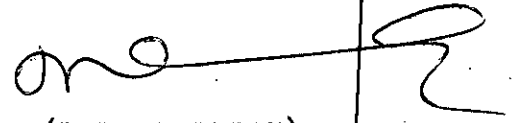
D

....4.

the regular posting order of the E.D.M.C. at ^{the appropriate} ~~any~~ time.

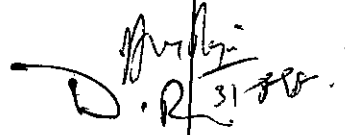
8. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
26.8.98


(R. RANGARAJAN)
Member (A)

Dated: 26th August, 1998.
Dictated in Open Court.

avl/


D.R. 31.8.98

OA.642/96

Copy to:-

1. The Divisional Inspector (Postal), Kadiri Sub Division, Hindupur Division, Anantapur District.
2. The Superintendent of Post Offices, Hindupur Division, Anantapur.
3. One copy to Mr. Krishna Davan, Advocate, CAT., Hyd.
4. One copy to Mr. V.Bhimanna, Addl.CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

err

8A/98 6

II COURT

TYPED BY
CHECKED BY
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 B.S. JAI PARAMESHWAR :
M(J)

DATED: 26/8/98

ORDER/JUDGMENT

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

in
C.A.NO. 642/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
-7 SEP 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH