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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.642/96

DATE OF ORDER : 26-8-1998.

Between :-

B.Gangadharan

... 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

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Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri V.Bhimanna, CGSC

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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)).

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

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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 OA challenging selection of Respondent No.3 and for a consequential direction to post him as EDMC in that post office.

3. When we took up this OA 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/ 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 challenged the same earlier itself as a provisional appointment cannot be replaced by another provisional employee. But lot of time/ passed after the provisional appointment of respondent No.3. At this late juncture it is not permissible to reinstate the applicant on provisional basis by removing the

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present provisional incumbent. However, the applicant is at liberty
to challenge ^{the order} _{as} the regularly posted candidate/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

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the appropriate
the regular posting order of the E.D.M.C. at any time.

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8. No order as to costs.

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(B.S.JAI PARAMESHWAR)

Member (J)

26.8.98

one

(R.RANGARAJAN)

Member (A)

D.R. 31.8.98

Dated: 26th August, 1998.

Dictated in Open Court.

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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 Devan, 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.

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TYPED BY
COMPARED BY

CHECKED 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 PARMESHWAR :
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

YLR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

1-7 SEP 1998

हैदराबाद ब्यायवीट
HYDERABAD BENCH